to a halt and the remaining mills do not have enough work. The situation is very grim because of the dwindling stock. The price of wheat and by-products can go up very soon if the Centre remains indifferent.

The flow of wheat to Tamil Nadu will have to be restored by the Centre because our hon. Chief Minister of Tamil Nadu, Dr. Puratchi Thalaivi, has vowed to supply essential commodities to the people at all costs. It is regrettable that the North is flooded with wheat and Tamil Nadu is facing shortage of wheat due to the negligent attitude of the Railways.

Sir, there is acute scarcity of petrol and diesel in Madurai and other southern districts due to non-availability of wagons. Petrol and diesel, after reaching Cochin Port, used to be transported to Madurai, Tiruchi, Nellai, Kanyakumari and other southern districts through rail wagons. Since wagons are being diverted to North India from South India, particularly Kerala and Tamil Nadu, wagons are not available for transporting petrol and diesel from Cochin Port to Tamil Nadu. Because of this artificial scarcity created by the negligent attitude of the Railways, the price of petrol and diesel has gone up thereby increasing the price of other commodities due to hike in transportation charges. Farmers, who depend on tubewell irrigation, find it extremely difficult to save their crops because diesel is scarce and the price is too high. This will adversely affect not only the economy of the region, but also the daily life of people.

Therefore, I urge upon the Central Government to allocate sufficient wagons available at the Cochin Port for transportation of petrol and diesel to Madurai and other southern districts. I also request the Central Government to allocate sufficient number of wagons to the F for transporting wheat to Tamil Nadu to avoid the impending shortage of wheat.

Thank you.

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**The Workmen's Compensation (Amendment) Bill, 1994**

THE MINISTER OF LABOUR (SHRI P. A. SANGMA): Sir, I beg to move:

"That the Bill further to amend the Workmen's Compensation Act, 1923 be taken into consideration"

As Honourable Members are aware, the Workmen's Compensation Act, 1923 provides for payment of compensation to workman and their families in case of employment injury including certain occupational diseases resulting in disablement or death. The Act at present applies to certain categories of railway employees and to persons employed in hazardous employments specified in Schedule II of the Act. Schedule II includes persons employed in factories, mines, plantations, motor vehicles, construction work etc.

With the gradual expansion of the coverage of the ESI Scheme, the area of application of the Workmen's Compensation Act has shrunk to some extent. The coverage under the ESI Scheme is, however, restricted to factories and certain other establishments located in notified areas. The W.C. Act continues to prevail in the remaining areas.

The Act was lant amended in 1984. Based on the recommendations of the Law Commission and suggestions received from the State Governments and other Central Ministries, it is proposed to carry out the following major amendments in the Act:—

The provisions of the Act are

[Shri P. A. Sangma]

being extended to drivers, cleaners and other workmen recruited by the employers registered in India and sent for work abroad. The rates of compensation were last revised in 1984. Since then there has been a general increase in prices. It is, therefore, proposed to enhance the amount of compensation under Section 4 as given below:—

The minimum amount of compensation is being enhanced from Rs. 20,000/- to Rs. 50,000/- in the case of death and from Rs. 24,000/- to Rs. 60,000/- in the case of permanent total disablement;

The rates of compensation are being enhanced from 40% to 50% of the monthly wage in the case of death and from 50 per cent to 60% of the monthly wage multiplied by relevant factor in the case of permanent total disablement. The propsed rates are in accordance with the ILO Convention No. 121 of 1964 concerning employment injury except that the amount of compensation shall continue to be paid in lump sum, as at present.

The wage ceiling on the monthly wage for working out the maximum amount of compensation is being enhanced from Rs. 1,000- to Rs. 2000/-.

In addition to the amount of compensation, a provision for payment of Rs. 1,000/- towards funeral expenses of the deceased workman is also being made. Keeping in view the problems of the poor inter-State migrant workers, a provision has been made in the Bill to facilitate filing of the claims for compensation also before the Commissioner for the area where the workmen or the dependents ordinarily reside.

The Standing Committee of Parliament on Labour and Welfare has also cleared the Bill subject to certain observations/recommendations. The Government has noted them for further examination in consultation with sister Ministries after the present Bill is cleared by the House.

These are, in short, the important amendments proposed to this Bill. I hope that the Members will welcome the proposed amendments. With these words, I commend the Bill for consideration by the House.

*The question was proposed.*

**श्री जगदीश प्रसाद माथुर** : (उत्तर प्रदेश) : श्रीमन्, मंत्री जी एक प्रकार से बधाई के पात्र भी हैं, लेकिन दूसरे ही क्षण में उन्होंने काम अधूरा किया है इसलिए उनके प्रति सहानुभूति रखते हुए खेद प्रकट करने का भी मेरा मन करता है । बधाई इसलिए है या स्वागत इसलिए है कि उन्होंने मजदूरों की तकलीफें को देखकर कुछ सुविधाएं प्रदान करने का प्रयत्न किया है । लेकिन असंतोष इसलिए है कि यह बिल 1923 में बना, 1984 में आया और आज 1995 है, तो इतनी देर क्यों हुई ? यह भी कह सकते हैं कि 1984 से लेकर 1995 तक और भी बीच में कई सरकारें आती रही हैं । लेकिन कम से कम यह सरकार तो जिसमें मेरे सहयोगी संगमा जो मंत्री हैं तथा 1991 से 1995 तक है, तो यह चार साल की देर आपने क्यों की ? अब 1995 के बाद कब समय आएगा, परमात्मा जाने ? कब रिवाइज करेंगे ? इस बारे में मुझे उर्दू का एक एक शेर याद आ रहा है । पता नहीं आप समझते हैं या नहीं समझेंगे ।

"हमने माना कि तगाफुल न करोगे लेकिन,
ख़ाक हो जाएंगे हम तुमको खबर होने तक ।"

यह तो मान लिया कि आपकी सहानुभूति, संगमा जी की पर्सनल मजदूर के साथ है लेकिन जब मजदूर 1995 के बाद अपनी आवश्यकताओं को अनुभव करेगा तो जब तक आवाज होगी तब तक पता नहीं

संगमा जी आप रहेंगे या नहीं रहेंगे और लगता तो यह है कि नहीं रहेंगे । इसलिए प्रारम्भ में मैं दो-चार बातें कहना चाहता हूं । एक-एक क्लाज है जो मुझे कहना है, छोटा-मोटा, वह मैं करूंगा, वैसे कोई बहुत बड़ा काम है भी नहीं ।

पहला, 1984 से लेकर आज तक इन ग्यारह सालों में प्राइस इनडेक्स कितना बढ़ा है, यह मंत्री महोदय जानते हैं । क्या आज वे कह सकते हैं कि जितनी बढ़ोत्तरी उन्होंने बहुत जगहों पर दी है, क्या वह आज की सीमाओं के भीतर आती है या नहीं आती है ? कोई भी आदमी कहेगा कि आज जितनी कीमतें हैं, उन कीमतों के हिसाब से जो भी आपने उनको रिलीफ देने की कोशिश की है वह बहुत कम है । इसलिए एक-एक आइटम का जिक्र मैं करना चाहूंगा लेकिन मैं कहूंगा कि आज एक बार फिर इस पर पुनर्विचार करें और आई.एल.ओ. का बहाना अभी न लें । जो लॉ कमीशन है उसकी बात अभी न कहें और जो रिपोर्ट है स्टैंडिंग कमेटी की, इसमें कुछ रिकमन्डेशंस हैं, उनको भी आपने इनकारपोरेट किया है । इन सबसे ऊपर उठकर आज की कीमतें जितनी है, जितनी महंगाई है, उसकी पृष्ठभूमि में आप-अपने इरादों को बदल लें । आज न सही जब आप यह बिल पास कर लेंगे तो उसमें भी संशोधन हो सकता है, उनकी आवश्यकताओं को पूरा किया जा सकता है ।

दूसरा जो मेरा कहना है कि आज तक अंतर रहा है कि जिस मजदूर की डैथ हो जाए और जो मजदूर स्थायी रूप से अपाहिज हो जाए तो दोनों में अंतर दिखाई तो देता है लेकिन जो हमेशा के लिए अपाहिज हो गया, वह मरे से बदतर है । वहां तो मरकर उसकी समस्या समाप्त हो गई, उसके परिवार के लोगों को आप कंपनसेशन दे देंगे लेकिन जो अपाहिज हो गया है, वह तो जैसे कहते हैं उर्दू में "कब्र के अंदर जिंदा" । जिंदा वह जरूर है तो लिहाजा आपको यह जो डिफरेंस है, इसको किसी तरह से पूरा करना चाहिए और वैसे सामान्यतः बात करते हैं कि कम से कम उसकी जो भरपाई है उसको बढ़ाएं और उसके साथ ही यह अनिवार्य कर दें कि उसके स्थान पर उसका कोई बेटा, पोता जो भी काम कर सकता है, उसको अनिवार्य रूप से काम दिया जाएगा बजाय इसके लिए वह लटका रहे, इस प्रकार की आपको व्यवस्था करनी चाहिए ।

तीसरा, एक और प्रारंभिक ऐतराज है कि आपने क्लेरिकल काम कहा है । जहां-जहां क्लेरिकल काम है, उसकी स्थिति स्पष्ट होनी चाहिए । क्लेरिकल काम टेक्नीकल होगा लेकिन यदि जिस जगह वारदात हुई है, मौके पर वह एक हैजर्डअस काम.....मैं उदाहरण देता हूं । एक आदमी क्लेरिकल काम करता है, वह तनख्वाह भरता है, वह जाता है कारखाने में जहां बिल्डिंग बन रही है, गिर जाता है, टांग टूट जाती है उसकी । आप कहते हैं कि क्लेरिकल था, इसको कंपनसेशन नहीं मिल सकता है तो लिहाजा जहां-जहां आपने क्लेरिकल बात कही है, उसमें आप इस बात की गुंजाइश रखें, यद्यपि क्लेरिकल है लेकिन जहां हादसा हुआ है वह जगह हादसे की थी या नहीं थी । यह मेरा तीसरा प्रारंभिक सुझाव है ।

चौथा, आपने और बातें कहीं लेकिन जो मनुष्य से चलने वाले जैसे रिक्शा है या घोड़ा-तांगा है, इनको आपने क्यों ऐस्केप कर दिया ? किसी प्रकार का भी काम करने वाला चाहे वह मशीन से चलने वाला हो, चाहे हाथ से चलाने वाला हो या केवल घोड़ा-तांगा चलाने वाला हो, उनको भी इसमें शामिल किया जाना चाहिए ।

पांचवां मेरा जो प्रारंभिक सुझाव है वह यह है कि आपने कहा है कि जब वह काम कर रहा हो और जब कोई काम बन रहा हो, मेंटेनेंस के समय का आपने जिक्र नहीं किया है । कारखाने में काम करता है आदमी या कोई मशीन चलाता है आदमी या बिल्डिंग बनाता है आदमी जब बन रही है तब तो है लेकिन जब उसकी मेंटेनेंस की, मेंटेनेंस के समय जो दुर्घटना होती है तो उसको भी शामिल किया जाना चाहिए । इसमें जहां-

[श्री जगदीश प्रसाद माथुर]

जहां आपका काम है, वहां पर मेंटेनेंस का शब्द भी आपको जोड़ना अनिवार्य करना चाहिए इसको आप क्लैरीफाई करें । अब मैं जो मेरे सुझाव हैं, छोटे-छोटे, उसपर एक-एक करके आता हूं । आपने भी छोटा सा बयान दिया है। मैं भी छोटी सी बात कहूंगा, ज्यादा नहीं कहूंगा । पेज दो पर, you have said, "(d) a person recruited for work abroad by a company,..."

लेकिन आप इसमें फर्म को क्यों नहीं शामिल करते । आज अधिकांश कम्पनियां ही नहीं हैं, फर्म हैं जो कि विदेशों में, बाहर लोगों को ले जाती हैं, तो फर्म आपको शामिल करना चाहिए जिससे जो मजदूर या जो कारीगर यहां से विदेश जाते हैं, उनको कम से कम इस बहाने से मजदूर इस कानून का लाभ उठा सकेंगे । दूसरे फर्म या थ्रू कांट्रेक्टर यहां से जो लेबर जाती है, वह लेबर वहां पर कांट्रेक्ट पर जाती है, लिहाजा कम्पनी इम्प्लॉय या कोई फर्म इम्प्लाय करे या वह किसी कांट्रेक्टर के माध्यम से जाए यह करना आपके लिए अत्यन्त आवश्यक है । मेरा आपसे सविनय निवेदन है कि आप इस बात को स्वीकार करें । इसमें आपका कुछ नहीं जाता, कम्पनी वाले देंगे, फर्म वाले देंगे, आपका तो गांठ का पैसा जाना नहीं है, सिर्फ सिंपैथी जानी है । ऐसे ही पेज तीन पर है । यहां पर क्लाज चार (ए-1) में आपने 50 परसेंट की जगह 50 हजार रुपये कर दिया है । मैं पूछता हूं कि आप इसको एक लाख या वन मंथ वेजिज क्यों नहीं कर देते ? आप उसको पूरे एक महीने की तनख्वाह दीजिए या कम से कम 50 हजार की जगह एक लाख कीजिए । 50 हजार से आज क्या होगा ? 50 हजार अगर आप रखते हैं तो आगे आने वाले पांच-दस साल में परमात्मा जाने कब आप आगे जाकर संशोधन करेंगे । तो इतनी गुंजाइश तो इसमें आप रखिए । इसलिए मेरा कम से कम एक सुझाव तो यह है कि जहां-जहां आपने यह रखा है, इसको आप टाइम बाउंड कर दीजिए । हर पांच साल में या चार साल में आपके जो रेट्स हैं, देने के, इसको आप रिवाइज करेंगे । आज की जो स्थिति है और अगर आज मान लीजिए आपने 50 हजार कर दिया है पर this amount of fifty thousand is valid for all the time. लिहाजा मेरा सुझाव है कि आप इस बिल में इतनी गुंजाइश रखिए । एक पीरियड निश्चित कर दीजिए । मेरा सुझाव है कि कम से कम पांच साल का रख दीजिए और हर पांच साल के बाद आप कीमतों को देखकर मजदूरों के पक्ष में इनको रिवाइज कर सकते हैं । इसी प्रकार से एक और गड़बड़ है । आप क्लाज 3 में कहते हैं कि "for the words "one thousand rupees" at both the places where they occur, the words "two thousand rupees" shall be substituted;" और आगे आप कहते हैं कि इसको कंप्यूट करने के लिए दो हजार माना जाना चाहिए । मगर मैं पूछता हूं कि दो हजार आपने आर्बीट्रेरिली कर दिया है । इसी विषय का क्लाज जहां प्राविडेंट फंड है, वहां आपने 3 हजार 5 सौ माना है । प्रावीडेंट फंड के हिसाब से आप मानते हैं कि अगर उसकी तनख्वाह 3 हजार 5 सौ से ज्यादा है, 3 हजार 5 सौ मानी जाए तो यहां आप 2 हजार क्यों कर रहे हैं ? श्रीमन, मैं आपका ध्यान चाहता हूं क्योंकि आप भी मजदूरों से ज्यादा बंधे हुए हैं । आपसे, चेयरमैन महोदय, मैं निवेदन कर रहा हूं । आप नाराज क्यों हैं, मैं आप ही से बात कर रहा हूं ।

**उपसभाध्यक्ष (श्री मोहम्मद सलीम) :** नाराजगी की बात नहीं है, आप बोलते जाइए ।

**श्री जगदीश प्रसाद माथुर :** मैं यह कहना चाहता हूं कि प्राविडेंट फंड के साथ में जहां आप कहते हैं कि 3 हजार 5 सौ से ज्यादा उसकी सैलरी हो तो उसको 3 हजार 5 सौ ही माना जाएगा पर आप इसको दो हजार कर रहे हैं तो मेरा निवेदन यह है कि मेक इट थ्री थाउजेंड फाइव हंड्रेड ।

[उपसभाध्यक्ष (श्री सुरेश पचौरी) पीठासीन हुए]

और जहां पर मरे पर कफन डालने का सवाल है । आपने बहुत ही कंजूसी से काम लिया है । एक हजार रुपये से आपने दो हजार रुपये कर दिया । कम से कम इज्जत से उसे दफन तो होने दीजिए, सम्मान के साथ उसका दाह संस्कार तो होने दीजिए । तो मेरा सुझाव है कि कम से कम पांच हजार रुपये का प्रावधान करें । और अगर कहीं बेचारा दूर-दराज जगह पर है तो एक हजार में तो उसका शव भी घर नहीं आएगा । और आपने इसको कंप्यूट करते समय क्या यह देखा है कि जो बहुत ही गरीब होगा, जो कपड़ा खरीदकर लाएगा तो एक हजार में तो कपड़ा और लकड़ी भी मिलनी मुश्किल होगी । तो आप उसको असम्मान के साथ क्यों इस दुनिया से विदा करना चाहते हैं ? उसको जरा सम्मान दीजिए । पेज 4 पर है कि "direct that the employer shall, in addition to the amount of the arrears..."

एरियर्स होंगे तो आपने परसन्टेज क्या दिया है, 12 परसेंट । भाई साहब, अदालतों ने इस तरह के केसों के लिए 18 परसेंट दिया है । मैं जानता हूं कि राजस्थान हाई कोर्ट ने जंगलात के मुकदमे में 18 परसेंट स्वीकार किया है । जो मजदूरों का पैसा है उसे मालिक देते नहीं हैं और आप इसमें सूद दे रहे हैं 12 परसेंट । मेरा कहना है कि इसको 12 परसेंट की जगह कम से कम 18 परसेंट कर देना चाहिए, जो कि अदालतों के फैसलों के अनुसार है । यह आपको करना चाहिए ।

एक छोटी सी बात है, इसको देख लें । मैं इस पर ज्यादा जोर नहीं दूंगा । 3 के बी में शब्द था कि "In addition to the amount of the arrears, and interest thereon" पहले ऐक्ट में था कि "should recover" दोनों में अंतर है । पे वह करेगा और रिकवर करना यह आपकी ड्यूटी है कि रिकवर करें । अगर इस बारे में मेरे समझने में गलती नहीं है तो आप इसको ठीक कर दें । आप निश्चित रूप से तय करें कि उसको पैसा मिलेगा ही ।

आगे आपने 3(ए) में कमाल कर दिया । The interest payable under sub-section (3) shall be paid to the workmen or the dependent, as the case may be. डिफाल्ट होगा तो इंटरेस्ट तो देंगे । आगे कहते है कि : And the penalty shall be credited to the State Government. स्टेट गवर्नमेंट बीच में कहां से आ गयी ? जो उसका हक है वह उसको मिलेगा लेकिन पेनाल्टी आप ले लेंगे । क्यों भई ? पेनल्टी भी मजदूरों को दी जाए । वह उनका पैसा है, उसको सूद मिलना है लेकिन जो मालिक है वह देना नहीं चाहता तो स्टेट गवर्नमेंट को आप बीच में क्यों ला रहे हैं । मेरा कहना है कि जो पेनल्टी है वह भी मजदूरों को दें तो यह सही और उचित होगा ।

दूसरा मैं शेड्यूल 2 के बारे में कुछ कहना चाहूंगा । शेड्यूल 2 में प्वाइंट 8 में है कि : Employers in construction, maintenance, repairs and demolition इसमें आपने बिल्डिंग की ऊंचाई-नीचाई नाप डाली है । 10 फीट, 12 फीट, इसका क्या मतलब है ? अगर वह ऊपर से नीचे गढ्ढे में गिर जाए और अगर वह 12 फीट ऊपर होगा और नीचे गिरने से चोट लगती है और अपाहिज हो जाता है तो उसको भी मिलना चाहिए इसको आप संशोधित कर दें । इस बारे में मैं पहले कह चुका हूं कि इसको अगर ठीक कर लें तो आसानी होगी ।

मैं एक निवेदन और करना चाहता हूं । जो स्टैंडिंग कमेटी की रिपोर्ट है उसमें कहा गया है कि : The Committee also desired that in Schedule II of the Act all the exceptions, etc., etc.,

[श्री जगदीश प्रसाद माथुर]

इसको होना चाहिए, इसको आप स्वीकार कर लें ।

मैं आपको एक बार फिर धन्यवाद देता हूं कि जो आप यह बिल लाए हैं । लेकिन फिर भी मैं आपसे आग्रह करूंगा कि कंजूसी मत कीजिए । आपने मजदूरों के साथ सहानुभूति दिखायी है तो इस सहानुभूति को पूरा कर दें । एक गिलास पूरी प्यास बुझाने के लिए चाहिए लेकिन अगर आप उनको एक चौथाई गिलास देकर उनकी प्यास बुझाना चाहते हैं तो यह उचित नहीं होगा । मैंने शुरू में एक शेर कहा था कि :

वह न कहे यह तो मानो कि तगाफुल न करो
लेकिन,
खाक हो जायेंगे हम तुमको खबर होने तक ।

ऐसा न हो कि आज 95 में यह है और आप दस साल तक बैठे रहें । हर पांच साल बाद आप इसको रिवाइज करते रहे । परमेश्वर करे आपकी उम्र लंबी हो, मंत्री के रूप में न सही, लेकिन यहां से जाने से पहले आप अच्छा काम कर दें यही मेरा आपसे निवेदन है ।

**श्री रामजीलाल** (हरियाणा) : उप-सभाध्यक्ष महोदय, मैं सरकार को इस बिल के लिए धन्यवाद देता हूं जो वह दि वर्कमेन्स बिल, 1923 में अमेंडमेंट करने के लिए यह बिल लायी है । जो मजदूर एक्सीडेंट्स से अपाहिज हो जाते हैं या जिनकी डेथ हो जाती है, इस बिल में सरकार ने डेथ के केस में 20 हजार से 50 हजार कर दिया एवं 24,000 से 60,000 रुपए परमानेंट डिसेबिलिटी के केस में कम्पेनसेट करने की बात रखी है । आज की कम्पटीटिव एज में देश का इंडस्ट्रियलाइजेशन करके सरकार को वर्कमेन की हेल्थ और सेफ्टी का विशेष ध्यान रखना चाहिए । कुछ प्राइवेट फैक्ट्रीज में वर्क फोर्स का पूरा ध्यान नहीं रखा जाता व फैक्ट्री ओनर्स, फैक्ट्री इंस्पेक्टर के साथ मिल कर कानून में दी गयी सुविधाओं से वर्कर्स को वंचित कर देते हैं । सरकार को इस नए कानून को इंपलीमेंट करने के लिए इंपलीमेंटिंग अथारिटी को इम्प्रेस करना होगा कि वर्कमेन की हेल्थ का ध्यान रखा जाए । यह सच है कि सरकार वर्कमेन का ध्यान रख रही है व विभिन्न सेमिनार व ट्रेनिंग करती है । अब सरकार को पुरानी ट्रेजेडी को रोकने के लिए व केमिकल एक्सप्लोसिव्स, भोपाल ट्रेजेडी व इसी तरह की दूसरी इंसीडेंट्स को रोकने के लिए वर्कर्स को तुरन्त बेनीफिट देने चाहिए । एक्सीडेंट के बाद डिपेंडेंट्स का कोई हैरासमेंट नहीं होना चाहिए ।

इसके अलावा भारत में 4 लाख के लगभग व्यक्ति इंडस्ट्रियल एक्सीडेंट्स में *प्रतिवर्ष विक्टिम होते हैं जिसमें लगभग* 650 केसेज फैटल होते हैं । आई०एल० ओ० के मुताबिक सारे संसार में कुल 1.6 मिलियन एक्सीडेंट्स होते हैं और 10 हजार के करीब फैटल होते हैं । सारे संसार की तुलना में यह रेशियों भारतवर्ष में ज्यादा है । इसलिए सेफ्टी मेजर्स ऐसे हों कि एक्सीडेंट्स कम से कम हों । इस बिल के द्वारा वर्कर्स का मोरल ऊपर रखना चाहिए ।

मैं इसके अलावा एक बात और कहूंगा कि यह ठीक है कि इंडस्ट्रीज के अंदर नेर्कस को कलम करना पड़ता है, इंडस्ट्री ही नहीं एग्रीकल्चर के अंदर भी चाहे नेर्कस हों वे काम करते हैं लेकिन उनकी सेफ्टी और हेल्थ का भी ध्यान रखा जाए । आजकल पाल्यूशन के जमाने में उनके रहन-सहन की जबह का भी ध्यान रखा जाए । जहां भी कहीं लेकर नेर्कस रहते हैं उनके रहने के स्थान अच्छे नहीं होते हैं तो महोदय में आपके द्वारा मंत्री महोदय से प्रार्थना करूंगा कि जो भी नेर्कमेन हैं चाहे इंडस्ट्रीज में हों या सरकार के हों जहां भी रहते हों उनकी हेल्थ और हाइजीन का ध्यान रखा जाए ताकि उनकी सेहत पर खराब असर न पड़े । इसके अलावा आज वर्कमेन सेहत के लिहाज से उनकी देखभाल न होने की वजह से कमजोर होते हैं न कमजोर होने की वजह से जब भी कोई एक्सीडेंट्स होते हैं तो वे उसको सह नहीं पाते हैं । एक्सीडेंट तो एक ऐसी चीज है कि चाहे कितना भी

मजबूत आदमी क्यों न हो उसकी डेथ भी हो जाती है डिसेबिलिटी भी हो जाती है। माथुर साहब ने ठीक कहा था कि बिल अच्छा है लेकिन वर्कमेन की जो सहूलियतें हैं वे बढ़ायी जाएं। आज वर्कमेन के बगैर कोई भी कार्य नहीं हो सकता। महोदय आपके द्वारा सरकार से और मंत्री महोदय से कहना चाहूंगा कि जो यह बिल लाए हैं इसका मैं स्वागत करता हूं, धन्यवाद करता हूं और आशा करता हूं कि इससे भी ज्यादा सहूलियतें देंगे ताकि वर्कमेन को नुकसान न हो और जो फैटल केस हो जाते हैं जिनमें डेथ हो जाती है तो उनके डिपेंडेंट्स को एरियर्स या नौकरी देनी चाहिए जैसा कि वे कह रहे थे। लेकिन जो उसको नौकरी दी जाये उसका एक समय निश्चित किया जाए कि कब तक उसको नौकरी मिल जाएगी और कितने समय में एरियर्स मिल जाएंगे क्योंकि ऐसा देखा गया है कि मरने वाला चला जाता है और जो डिपेंडेंट्स हैं वे इसके लिए घूमते रहते हैं। उनको न एरियस मिलते हैं न नौकरी मिलती है।

मैं आपके द्वारा मंत्री महोदय से यह भी प्रार्थना करूंगा कि इस बिल में जो अमेंडमेंट्स कर रहे हैं उनमें यह भी रखा जाए कि कोई समय रखा जाएगा कि इतने समय के अंदर उसका कम्पेनसेशन हो जाएगा, इतने समय के अंदर उसको नौकरी मिल जाएगी।

मैं ज्यादा समय न लेते हुए जो अमेंडमेंट सरकार लायी है उसका मैं धन्यवाद करता हूं, समर्थन करता हूं।

जो समय आपने मुझे बोलने के लिए दिया उपसभाध्यक्ष महोदय, उसके लिए मैं आपका आभारी हूं। धन्यवाद।

SHRI PRABHAT KUMAR SAMANTARY (Orissa): Mr. Vice-Chairman, while the hon. Minister has introduced the Bill, he wanted that Members should welcome and pass the Bill. I welcome it partly because I had put a question long back in 1992, Question No. 3210, whereupon the hon. Minister had made an assurance and now he has brought in amendments to section 10(a), 10(b) and 10(c), so that protection can be given to the migrant labourers when they become victims of accidents. Sir, this Bill is not a complete Bill. If we take the Workman's Compensation Act, 1923, this Act was amended in 1984 and we are now reconsidering it in 1995. But we are lacking in so many ways. More important is that the interpretation of the very word 'workman' in this Workman's Compensation Act is far from the interpretation of the word given in the Industrial Disputes Act, enacted by the same Parliament. According to section 2 of the Act, 'Workman' means any person including an apprentice, an employee in any industry to do any manual, unskilled, skilled, technical, operational, clerical, supervisory work, whether the terms of employment be express or implied. If that be the case, I do not find any reason why 'workman' is interpreted here excluding the casual workers, clerical workmen, for that matter even in this Bill, some more categories have been sought to be included under the provisions of the section 2(1) (a) and 2(1) (b). Here, '(a) The master seaman or other members of the crew of a ship, (b) the captain and other Members of the crew of an aircraft." Sir, I think a deep thought has not been given to this provision. A ship or a vessel or, for that matter, an aircraft cannot be handled without supporting staff where it lands. A ship, when it takes berth in a port, operations, like sweeping, painting, supply of fuel and water, etc. have to be done and it takes not just hours but days together also. "During the course of employment", is also interpreted in the ID Act. During the course of their employment, workers are engaged there. If accidents occur by breakage of a crane, or by snapping or destruction of the rope, what happens to the people who are engaged

[Shri Prabhat Kumar Samantaray]

therein? I think the Parliament, in its wisdom, when it enacted the ID Act interpreting 'workman' in one way, cannot interpret 'workman' in some other way, excluding the persons who are covered under the ID Act. I think the Minister has not only interaction with labour, but also could manage without giving them anything for the last four years with sweet talks and assurances. I hope he is always open to accept the proposals which help the workmen. But in this case the inadequacies are there in the interpretation of 'workmen' excluding *the casual workers.* Why should those who would be coming, in due course of employment, in the operation of these vessels or aircraft be excluded? If such people

4 P.M. die, if such people suffer any injury or disablement—permanent or temporary—do they not deserve any compensation? Should these people be deprived of the benefit? When we are giving this benefit to the regular workers, why should these casual workers '—they work for fifteen days or twenty days, but they are engaged in difficult jobs,—be debarred from this benefit? I hope the hon. Minister would reconsider this point.

In this connection, I would like to point out that the Standing Committee on Labour had deliberated on this matter in detail. They have unanimously recommended it. An amendment had been proposed by a Member of this House. The Committee wanted that the casual labour and clerical workers engaged in the due course of employment should also be covered under the definition of 'workman'. Therefore, Sir, I hope the hon. Minister...

SHRI JAGESH DESAI: Are they not covered now?

SHRI PRABHAT KUMAR SAMANTARAY: No. I hope the hon. Minister would bring the casual labour, the clerical workers and the people who are engaged in the due course of emplomen̲t also under the purview of this Act.

The amendment seeks to add sub-clause (ia) to clause (n) of sub-section(1) of section 2. I must thank the hon. Minister for that. The hon. Minister has taken pains to cover the people who are engaged in certain capacities in connection with a motor vehicle. The provision here is: "a person recruited as driver, helper, mechanic, cleaner or in any other capacity in connection with a motor vehicle". I think if this is *extended to cover the others also, i.e.* the casual labour, it would help them in getting compensation. This should be considered by the Minister.

Then, Sir, in this Bill, no time-limit has been fixed for deciding the claim cases which come up before the Compensation Commissioner. As you know, the Compensation Commissioners are non-judicial people. They are mostly the officials of the Labour Department. Generally, the Assistant Labour Commissioners are designated as the Compensation Commissioners to deal with such cases. Therefore, they are not free from pressures to unduly favour the case of the owner of a mill or an industry or a motor vehicle, for that matter. The person who prefers a claim before the Compensation Commissioner is generally poor. How would it be of help to him if there is no time-limit? I would like to point out here that such a time-limit has been fixed in section 10(2)(a) of the Industrial Disputes Act in regard to trial, adjudication and finalisation of cases relating to retrenchment, suspension, non-payment of wages and dismissal. I would like to ask the hon. Minister: Why should there not be a similar provision in this Act so that within sixty days or seventy days or eighty days, the whole case can be decided?

There is also a provision made in the Bill whereby the claim can be filed before the Compensation Commissioner having jurisdiction over the area where the claimant or his dependent ordinarily resides, instead of before the Compensation Commissioner having jurisdiction over the area where the accident had occurred. But there should be a time-limit here. In the case of transfer of a case from the Compensation Commissioner of the area where the accident had occurred to the Compensation Commissioner of the area where the claimant or his dependent permanently resides, the problem would arise. The problem is, the workman is a poor person. He does not know how to plead his case before the Compensation Commissioner where the accident had occurred. He may not know the language. For example, he may be a person from Bihar or Orissa and he might have been injured in an accident in Himachal Pradesh or Jammu Kashmir or Punjab, for that matter. If a poor fellow meets with an accident or suffers a casualty, his heir will have to go to Punjab and file a case. After this new provision comes into effect, there will be no time limit. I think, it will take several years for the case to travel to that place. The poor fellow will never see the light of compensation. The provision of compensation will never meet his requirement or the equirement of his family which will be in distress.

Finally, the provision made through this Bill of Rs. 50,000/- for a permanent disability and Rs. 60,000/- for death, is inadequate, and it suffers from a malady, the reason being that the same Ministry and the same Minister are pleading with the Government to enhance the DA to neutralise the price rise so that the workmen in the Government of India undertakings or in the State Governments or in the private sector can get the DA benefit which will neutralise the price-rise. In 1989, the Law Commission had recommended this benefit. This was discussed thoroughly in the Standing Committee which has rightly recommended what financial benefit should accrue to the claimant, but, unfortunately, that has been overlooked. The rupee has been devalued. Should I construe, hon. Minister, Sir, that, in your opinion, cost of human life has also been devalued? So, you thought that Rs. 50,000/- was adequate to compensate for the casaulty of a workman! In 1989, the Law Commission had recommended that. You are bringing in this Amendment Bill in 1995. I think, a provision which is adequate should be made here. There will be no amendment to this provision for the next six months or one year, unlike what happens in the case of neutralisation of DA etc. It comes every year according to the rise in the price index. It may continue. It was amended last in 1984. I don't think that it will come in the next five years. Or a provision should be there to amend it every two years or every five years so that at least it will help the workmen to get due compensation. When we call it "compensation," it should be compensation. It should not be *ex gratia*. It should not be just a help, but it should be compensation. So, I request the hon. Minister to consider this.

Finally, I endorse the view of Mr. Mathur. He talked about clause 5(3)(a) of this Bill. How can the penalty on a defaulting employer go to the State exchequer? Why and what for? What is the logic behind it? A claimant will suffer four months to get compensation. In case the employer plays tricks and does not pay the compensation, he should pay this penalty not to the claiment, but to somebody else, that is, the State! Then, the State should have a com-

[Shri Prabhat Kumar Samantary]

mission in the compensation itself. Out of Rs. 60,000/-, ten per cent should go to the State exchequer.

With this, I don't want to strech my time-limit, but I request the Minister to reconsider the provisions and amend them so that they give a foolproof benefit to the claimants, those who have suffered or are going to suffer accidents, casualty etc.

Thank you, Sir.

SHRI JIBON ROY (West Bengal). Sir, I thank the hon. Minister for introducing this Bill. At least he has kept in mind that there are workers inside the factories, who have to die to keep the wheels of production running and that the value of their life is at least more than Rs. 20,000/-. I would request the hon. Minister to re-consider the Bill. It has a number of limitations. The first limitation is that its coverage is very narrow. The second limitation is that the quantum of the compensation that you have suggested is very narrow. The third limitation is that the same thing will continue and many workers in the private sector and in the small-scale industries will not get the compensation if the machinery to get the compensation is not streamlined.

Initially, when the date was fixed to discuss the Bill, I had raised this issue in the House. You were kind enough to assure the House that you will come with an open mind. I do not know whether that assurance still stands. So, I would request you to please go through the recommendations of the Standing Committee and reconsider the entire gamut of the Bill and come back tomorrow or even the day after tomorrow with adequate amendments of the Bill. You are not dealing with the Bill, but through this Bill you are dealing with the lives of thousands of workers. If you give a measage that the Government has no feeling for the workers, that message will cause havoc. In 1984, the Workmen's Compensation Bill had been amended. What was the price index at that time? It was 115. And what was the price index in March 1992-93? By that time it had reached 300 points. If you take the price index of 1984, Rs. 20,000/- comes to Rs. 51,000/-. In this Bill is it that you want to reduce the quantum of compensation? If so, it will send a very bad message to the workers.

Secondly, after all, you are acting on the 1989 recommendations of the Law Commission. It had proposed Rs. 50,000/- as compensation in case of death. What was the price index at that time? It was around 200. Now, it is 300. It is a 50 per cent increase. At least you keep that cushion in mind. The price index increase from the date of the recommendations of the Law Commission to the date of enactment of the Bill, should be kept in view. Practically that amount has been recommended by the Standing Committee in its report.

The third point I wish to argue before you, as my hon. friend has raised, is that in our country the labour laws regulate both the payments of statutory dues and also the process of computation. You fix up some norms in that regard. Sometimes the percentage is changed in an *ad hoc* manner but the norms do not get changed. You change them after, say, ten years. In the Labour laws this provision should be inherent that with the passing of time the norms are also changed. You are coming with a proposal of Rs. 50,000/- That means by the time those workers, who have died, will get no compensation. You are dealing with the workers who are dying inside the factories or are losing their limbs. I worked in the factories and I know how the workers work there. I can understand that there are small industries, which may not be able to

pay. In that case the Government has to find some ways. You are not dealing with any ordinary Bill. Now, you are dealing with millions of workers. Now so far the basis of computation is you will calculate taking the maximum wages as Rs. 1000/-. It was there is the earlier Bill also. Workers drawing wages of Rs. 1000/- or above, Rs. 3000/-, Rs. 5000/- or whatever it may be, it will be treate as Rs. 1000/- wages. The recommendation of the Law Commission was that over which you are acting for computing the compensation amount on the basis of the maximum salary of Rs. 1000/- may be done away with altogether. Now, you are replacing the basis of the maximum salary of Rs. 1000/- by Rs. 2000/-. Then, what was the price index? Even if I say that you don't accept the recommendation of the Law Commission, will you stick to your original position? What was the price index when you have fixed up Rs. 1000/-? It was Rs 115/-. Now, it is Rs. 300/-. That means by changing the law, you are going to reduce the compensation. What message are you sending to the millions of workers? A highly skilled worker who is drawing a wage of Rs. 10,000/- a month in a public sector undertaking, if he joins other company he will get Rs. 50,000/-. He will get a compensation of Rs. 2 lakhs. The compensation to a highly skilled worker is Rs. 2 lakhs and compensation to a common worker is Rs. 50,000/-. Is it justifiable? Therefore, I would request the hon. Minister to accept the recommendation of the Law Commission. Whichever Law Commission has made that recommendation, after all you are acting over that Bill. You accept that position.

The third thing, there are inhuman, heartless formulations are there. Mr. Vice-Chairman, Sir, workers are now orphaned. Who will look after them? The Factory Act defines that whoever enters a factory is a worker. I will quote a provision from the Factory Act. It says,:

> " "Worker" means a person employed directly or through any agency including a contractor with or without the knowledge of the principal employer, whether for remuneration or not in any manufacturing process or in any other kind of work incidental to or connected with, the manufacturing process, or the subject of the manufacturing process but does not include any member of the armed forces of the Union;"

Now your Bill will exclude casual workers? Are they animals? Animals also have got some pride. But now you are going to exclude causal workers. You are going to exclude contract workers. If an accident takes place inside the factory, are the clerks, supervisors and other officials excluded? I am not a good lawyer. I cannot argue my case. I can appeal to your wisdom that you are not dealing with files, you are not dealing with bills but you are dealing with millions of workers inside the industry.

The last point I wish to make is about compensation. The Labour Minister knows better than me. You are more knowledgeable than me.

SHRIMATI KAMLA SINHA (Bihar): How do you know?

SHRI JIBON ROY: It is my understanding.

SHRIMATI KAMLA SINHA: Next year you may become the Labour Minister.

SHRI JIBON ROY: Many workers do not get compensation. Suppose a man dies inside the factory. An application may be filed for compensation. The employer will say that the accident did not take place during the course

[Shri Jibon Roy]

of work, that the man was not performing his duties. I am not talking about the public sector. It happens in the private sector, both in medium and small scale industries. Where is the protection? The Low Commission has said in its report, which you are acting upon, that the workers will simply file the demand for compensation and if there is any objection, the employer has to prove that the worker was not performing any duty connected with his work or service or employment. You have not touched that provision.

Finally, I would make a request to you. Do not pass the Bill today. Go back, discuss it, take our sentiments into consideration and come with an amendment. I was searching for Mr. Vayalar Ravi. He is there. Will the INTUC agree with this position? You say you are bringing in this Bill for the worker. But the entire trade union movement in the country will oppose it. It will not bring any good results. In the end, again I request you to consider and accept at least the recommendations of the Standing Committee. At least accept those recommendations.

Thank you, Mr. Vice-Chairman.

SHRI VAYALAR RAVI (Kerala): Mr. Vice-Chairman, Sir, first of all, I may congratulate the Minister on bringing forward this amendment to the Workmen's Compensation Act which has been in existence from the British period. Of course, it has been amended occasionally. As rightly said, the last amendment was in 1984. This Bill has also been pending for the last more than eight months. We are getting it passed now.

I was listening to the very emotional speech of my friend, Mr. Roy. I believe that there is some sense in his arguments. I am not disagreeing with him. In the process of getting compensation for the worker when an accident takes place, the main question is on whom the onus is. That is the basic question. Who has to prove how the accident occurred? Is it the employer or the employee? The thing we have to see is, we have to make the process of claim and payment of compensation as simple as possible. An industrial establishment can engage leading lawyers to argue their case. But it will be difficult for the workman to do so. He may not be able to compete with the eminent lawyers who argue before the Tribunal or even in the inquiry conducted. With the existing procedure, it is difficult to prove on whom the onus is. I plead with the Minister to take that point very seriously. His attitude is always pro-labour. It should continue to be so in this case also. Make the process of claim as simple as possible. Whenever an accident takes place, it should not be the responsibility of the worker to prove that the accident did not occur due to his mistake.

On the question of the amount and the limitations fixed, they were fixed in 1984. Now, it is 1995. I hope the hon. Minister—or any successive Government or Minister—would not like to have an amendment to come every time to increase the rates. I make one suggestion here. You can fix Rs. 50,000|- or Rs. 60,000|- or any such thing. I am not quarrelling on that point. But leave it at that. The Minister may not insist on salary, Rs. 1000|- or Rs. 2000|-. It is a presumption of a salary. The amendment says in clause 4 that for the words "forty per cent" and "twenty thousand rupees", the words "sixty per cent" and "sixty thousand rupees" shall be respectively substittued. "In clause (b), for the words "fifty per cent" and "twenty-four thousand rupees", the words "sixty per cent" and sixty thousand rupees" shall respectively be substituted." In Explanation II. for the words "one thousand rupees" at both the places where they occur, the words "two thousand rupees' shall be substituted. "Sir, the salary is imagi-

nary. In every factory, even the lowest—paid employee draws more than Rs. 2,000|-. (*Interruptions*)

SHRI P. A. SANGMA: Since this point has been raised by almost all the Members, I would like to clarify it so that it is not repeated by others. There is no wage limit for the purpose of application of the Workmen's Compensation Act. Everybody is covered by this irrespective of his salary. Here, there is no limit. Rs. 2,000|- has been taken for the purpose of computation. (*Interruptions*)

SHRI VAYALAR RAVI: That is the point I am making. (*Interruptions*)

SHRI GURUDAS DAS GUPTA (West Bengal): What will be the formula in respect of casual workers and contract labour? Will the hon. Minister respond to it?

SHRI P. A. SANGMA: I will reply.

SHRI VAYALAR RAVI: Why can't you take the last drawn salary of the employee into account when the accident occurred? That is the point. If the hon. Minister takes into account the last salary drawn by an employee, then he need not go in for amendment of the Act every time. But, the Minister must be feeling that it would be like imposing a burden on the industry. But the industry is making a huge profit. Everyday, "The Economic Times" says that the profit has gone up to 50 per cent, 80 per cent and it is happening at the cost of the workers. They are sucking the blood of the workers. If the Minister, instead of changing it from fifty per cent to sixty per cent and from twenty-four thousand rupees to sixty thousand rupees says that the last salary drawn by him would be taken into account. I think, that will solve the whole problem. I am not concerned with the question whether the salary drawn is including DA or not and it is for him to decide. If that thing is included in the Bill, then the Minister need not go in for the amendment for all times to come. Then hon. Minister had made a commitment to the country and I believe, he is on the job. It appeared in the Press that the ceiling on the bonus is going to be raised to Rs. 3,500|-. It means he himself is admitting that the ceiling has to go up and we hope that the Minister will give us a chance to congratulate him for doing this. We would be very happy if the same announcement is made before the House is adjourned sine die. (*Interruptions*)

SHRI JAGESH DESAI (Maharashtra): If you take into account only the salary, then salary is normally static. The dearness allowance is increasing. So, if you take into account only the salary, then the employee would be a loser. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: The salary always includes DA. There is no salary without dearness allowance.

SHRI VAYALAR RAVI: For the purpose of bonus, we used to take the basic salary and the dearness allowance. We do not take into account the other fringe benefits for this purpose. That is the idea behind it. If the Minister accepts that proposal, we all will be satisfied. We know items were already there and sixteen more have been added to the Bill, that the intention of the Minister is very good. Thirty-three. In the amendment of Schedule II, it is stated against (xxxiv)—"employed in any operation in the sea for catching fish..." it is a very good provision and I am glad that you have included it in the Bill. The total number of fishermen in the country is approximately 7.6 million and a majority of the mare having mechanised boats and country boats. This provision is going to benefit them in a big way, especially the motorised

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boats and the house boats. So, the intention of the Minister is very good. But the benefit must reach the workers. If that is the intention, then you should create a feeling that you are not imposing a ceiling on this. If you are increasing it on the basis of the Law Commission Report as well as the demand made by the labour leaders in the House, you make the labourers happy by not imposing a ceiling on them. To create that feeling the best way to make the workers happy, is instead of saying Rs. 50,000|- or Rs. 60,000|-, the ceiling of Rs. 2,000|- may be taken.

Another thing I would like to appeal to the Minister is that the disbursement of compensation should be made without any delay. Occasionally, complaints come regarding delay in disbursing the amount. For that, we have to relax the rules. Rules should be framed in such a way that inordinated delay does not occur in distributing the money to those who are eligible for it. Otherwise, there will be a dispute. There is the possibility of a claim by somebody else. If all that process can be compeleted within the prescribed period, the limited period, there won't be any problem. That is one of the important factors. With these words, that this Bill be passed at the earliest, I congratulate the Minister for the initiative he has taken and, at the same time, the whole House is happy that we make the workers feel that whatever they are eligible for, is not denied to them. That is the best way to take a decision, as suggested by us, and I hope that the Minister will accept the simple suggestions made by both the sides.

SHRI MISA R. GANESAN (Tamil Nadu): Mr. Vice-Chairman, Sir, this is a Bill to seek certain amendments in the Workmen's Compensation (Amendment) Bill, 1923. In the Statement of Objects and Reasons the Minister has stated that as per the recommendations of the Law Commission of India made in its 62nd and 134th Reports he is bringing in certain amendments. We have no objection to anything which is done for the betterment of the workmen; we always welcome that. As per the recommendations of the Law Commission Reports, he is extending the provisions of this Act to masters, seamen and other members of crew of ships, and captains and other members of crew of aircraft and also to drivers, helpers and other workmen employed in connection with a motor vehicle and sent for work abroad and workmen recruited by companies and sent for work abroad provided the ship, aircraft, motor vehicle, as the case may be, is registered in India. He has stated all this.

Similarly, in para 3 of the Statement of objects and Reasonsn the Minister has admitted one important factor. We have to appreciate him for that. He has said, "The rates of compensation under the Act were last revised in 1984". You have to consider all those things. Ten years have passed. He himself has admitted in para of the Statement of Objects and Reasons that there is a general rise in prices. He has also said that as per the recommendations of the Law Commission, it is proposed to enhance the minimum rates and amounts of compensation in case of death and total disablement; to link advance with wages, and all those things.

In the next paragraph he has said, "Certain categories of persons including the persons employed in mechanised harvesting and threshing operations, spraying and dusting of insecticides and pesticides in agricultural operations, employed for outdoor duties in newspaper establishments, etc. are being added in Schedule II." These are all being added for the betterment of the working class.

Sir, I want to seek certain clarifications relating to this Bill. What about the other important Acts concerning the

labourers? There is a pension scheme for industrial workers. The Employees Provident Fund Act is there. There are so many Acts—the Employees State Insurance Act of 1948, the Payment of Gratuity Act, 1972, the Payment of Bonus Act. When are you going to bring in such amendments in these Acts? You are now bringing in amendments to the Workmen's Compensation Act. Similarly, these Acts are pending for a very long time. There is a hue and cry in this country that these Acts should also be amended. He himself admits that there is a rise in prices. The long-awaited pension scheme for industrial workers should be a third terminal benefit and should not be an extension of the second terminal benefit, that is, the Family Pension Scheme under the Employees' Provident Fund Act. Similarly, in spite of repeated assurances and announcements, and it is most unfortunate, that the present Rs. 2,500 per month wage limit for becoming eligible to bonus under sub-section 13 of section 2 of the Payment of Bonus Act has not been amended so far. Because of this a considerable section of the working class is being denied bonus. Similarly, the present ceiling of Rs. 1,600/- per month under section 12 of the Bonus Act has also not been amended. They have brought in some amendments to the Employees' Provident Fund Act. But as far as the textile workers are concerned, there is an anomaly. It is highly discriminatory and it is against the objects and reasons of the scheme that you are amending section 6 of the Employees' Provident Fund act by enhancing the contribution from 8.33 per cent under section 33 of the 1988 Act to 10 per cent. The workers employed in the textile industry were denied this benefit. Though the Labour Ministry has also notified that the workmen in the textile industry will also be eligible for the enhanced rate of Provident Fund contribution at 10 per cent as against the present 8.33 per cent, the effective date from which the contribution has been raised to 10 per cent is yet to be notified. This is an anomaly in this. Similarly, the Employees' State Insurance Act is there. Suppose everybody comes under the Employees' State Insurance Act, nobody will bother about this Workmen's Compensation Act because they will get money for treatment also under the Employees' State Insurance Act. Now under this Workmen's Compensation Act, if they die, they will get the amount. If there is any permanent disablement, they will get some amount. So, the Employees' State Insurance Act has to be amended. Similarly the Payment of Gratuity Act has to be amended. Several Acts are there. When are you going to bring amendments to all these Acts? That is my question. You have to consider all these things. As rightly pointed out by my previous speakers, then only the whole labour community will Praise you. With these words, I conclude my speech. Thank you. (Ends)

SHRI JAGESH DESAI (Maharashtra): Mr. Vice-Chairman, Sir, I am very happy the Labour Minister is pro-labour and is trying to give as much benefit as possible to the working class. I would like to thank him for extending this benefit to many other sectors, specially to those who are working in the agricultural sector. The workers who are employed in machanised harvesting, crushhing operations and spraying and dusting of insecticides and pesticides, etc., are included. I congratulate the Minister for including them in this Bill for the benefit of compensation.

I would like to speak only on two points. One is regarding the casual workers. We all know that we don't make them permanent for the reason that we should provide them benefits like Provident Fund etc. That is why most of the employers do not make them permanent. I would request the Minister that causual workers should also be included in this Bill so that they would also get the benefit. As Mr. Vayalar Ravi has pointed out, the amout should be calculated on the basis of salary plus DA. You can work it out. As regards the minimum amount, which has to be paid, that is Rs. 60,000/- and Rs. 50,000/- I think, they should be indexed. In the case of tax laws, we have indexed the capital gains. Similarly, you can index this. The minimum of

Rs. 60,000 will be increasing every year on account of inflation. If that indexing is done, you need not come to the House off and on. Suppose on 1st of April, 1995, the consumer index is 200 and when on the day one has to pay the amount it goes up to 250, this Rs. 60,000/- should be increased to that extent. If that is done, I think the whole purpose will be served. I am very happy that you have shown a humane face. Now funeral expenses will also be given. I am very happy about it. This is a humane face and you should keep up this humane face. There are many workers who might not *have got anything even for funeral.* I have seen such cases.

Sir, this is a very progressive Bill. As far as bonus is concerned, Sir, today I have read in the newspapers that the Cabinet has taken some decision to increase the limit. We want that that Bill also should be brought in in this Session itself so that the working class would feel that justice is done to them. I once again compliment the Minister for bringing in this type of a Bill. I wish the hon. Minister brought these types of Bills every time. So, my first point is about index and my second point is about casual workers. If that is done, I think the purpose will be served With these words. I support the Bill. Thank you.

SHRI N. GIRI PRASAD (Andhra Pradesh): Mr. Vice-Chairman, Sir, though I support the Workmen's Compensation (Amendment) Bill, 1994 I am not fully happy with this Bill. I consider this Bill to be too late and too little. I will make two or three observations on this Bill. Sir, this Bill has extended the coverage to various other sections also. But the Government has not yet accepted the principle of extending the concept of compensation to all workmen. If a workman dies by accident while in service, naturally, he should be provided with compensation either under this Act or some other Act. I would like to know from the hon. Minister whether the Government intends to cover all the workers, whether casual or permanent under one Act or the other. The Government must make its position clear. It is mentioned in the clause of the Bill that if a person employed by some company works abroad, he will be covered. I have not understood it correctly. I tried to follow the sequence. If they are employed here, if they work here, I would like to know whether this compensation will be available to them or not. I would like to know whether it applies to everybody. If it applies to everybody, I have no objection. But if it applies only to the people who are *employed outside, then it should be* amended. That is my suggestion.

My third point is about the quantum of compensaton. Of course, the compensation has been increased. But great injustice has been done in computing the figures. In 1984, the compensation amount was Rs. 20,000/-. Now, it could have been easily increased to Rs. 80,000/-. Even in the small saving schemes the amount is doubled every five years. So, Rs. 50,000/- is too little. It can be calculated on the basis of the interest paid by the small saving schemes or banks. It should be Rs. 80,000/-. If a person receives permanent disability, the amount should be increased The Minister has provided Rs. 60,000/-. My proposal is both the amounts should be increased to Rs. 80,000/- and Rs. 1,20,000/- respectively. I hope the hon. Minister will consider it.

There is 'Explanation II' in this Bill. I think there must be some limit to such understanding. For example, a worker is getting Rs. 1000/-. If he gets more, it should be deemed as if he is getting Rs. 1,000/-. Now, it is made Rs. 2,000/-. When a worker is getting Rs. 3,000/-, it should be deemed as if he is getting Rs. 3,000/-. Why should it be only Rs. 2,000/? This 'deeming' business must go. The workers should be paid on the basis of some calculations. So, this amount has to be taken into consideraton.

This Bill was introduced on the 11th May, 1994. It is mentioned in the Statement of Objects and Reasons. I would like to know from the hon. Minister why there is a delay of one year. The Government has passed so many Bills House and the Government has issued Ordinance also. Why is the Government not serious? That is why I said that it was too late. It is not only with regard to this Bill that this is happening. You are following a very lethargic and inconsiderate attitude when it comes to dealing with the problems of the working-class and also when it comes to bringing about legislations for the working-class. Last year, in the month of August, I wrote a letter to month of August, I wrote a letter to the hon. Minister containing two or three points about the Pension Bill. What was his reply to me? He only acknowledged it. He wrote to me saying, "I am in receipt of your letter dated 12th August, 1994 regarding the Pension Bill relating to the public sector employees." So, what should I understand from it? What is the attitude of the Government? Why has the Government kept this Bill pending when it was introduced on the 29h March, 1993.

SHRI JAGESH DESAI: I think we are at fault. The Minister cannot do anything. It is not in the Minister's hands. We should have told the Business Advisory Committee that this Bill should be given preference. So, we are responsible.

SHRI N. GIRI PRASAD: There may be some deficiency on your side. No effort was made from the Government's side. After all, it was introduced in March, 1993 and they should have brought it before the House. He just acknowledged my letter. He did not want to commit himself more than that. So, I request the Minister to bring this legislation because the workers, the public sector employees and others are interested in it. They want to see their pension during their life time. Already two years or three years have passed. I don't think the Minister would continue to take this lethargic attitude in this matter. Some Members were complimenting the Minister on the Payment of Bonus. There has been a persistent demand that the eligibility ceiling should be raised to Rs. 4,500. I read a report which said that it is only up to Rs. 3,500. So, this was made in 1992-93. Why are you reducing it by Rs. 1,000? In these two years, it must increase. There is no case for decreasing it. If the Cabinet, the Government, had decided on this and if the report is correct, then I think it is not in the workers' interest. Many of the public sector workers have crossed that limit. Moreover, this legislated applies only to 9 lakh workers. There are lakhs and lakhs of workers and it must benefit all the workers. So, the eligibility ceiling must be increased to Rs 4500 or Rs. 5,000. Moreover there is no rationale in denying the same amount to workers. I do not know if you are applying that principle, whatever it is, whether one months' salary or one-eight of the salary. The third point is regarding the implementation of the 'slab DA system' for the public sector employees, which was agreed to earlier. Why are you not implementing it? Why have you not taken steps to provide this 'slab system'? Because there is discrimination between Government employees and public sector employees, you worked out a scheme. But in spite of the agreement that you had reached with the trade unions, you have done nothing. You have failed to respond to them. My last point is regarding non working and working journalists. About ten days back, the hon. Minister introduced a Bill to provide for more representation to certain organisations. Last year, in

[Shri N. Giri Parasad]

the month of September, Wage Boards for journalists and non-journalists were already constituted. But if you do not pass the Bill now, it will get again delayed. I request you to pass that Bill. This Bill also says that people employed in any newspaper establishment will be covered under the Bill. But I received a report from Hyderabad. A Telugu daily Udayam employing more than one thousand journalists and others has been completely closed down without any information to the Government. No Labour Department comes into the picture. Perhaps, it was the third largest circulated daily and it employed more than one thousand people directly and another one thousand people indirectly. And it has got a lot of goodwill. Because of some managerial problems, financial problems, it was closed down. Why does not the Labour Ministry, particularly the Labour Minister, intervene in the matter? Even now, I request the hon. Labour Minister to do something and see that that paper is brought back to health and its employees are given the benefits due to them.

Thank you, Sir.

SHRIMATI KAMLA SINHA: Mr. Vice-Chairman, Sir, to start with, I would like to draw the attention of the hon. Minister to the gender bias as could be seen in the title of the Bill, the Workmen's Compensation (Amendment) Bill 1994. Nowadays women are joining the work-force in large numbers. So, the name of the Bill should be, "The Workers' Compensation (Amendment) Bill, 1994". So, I think the hon. Minister will bring forth an amendment *suo motu* and we will support him.

In the Statement of Objects and Reasons, the Minister has stated that this Bill has been brought forth because of the recommendations made by the Law Commission in its 62nd Report. Some new categories of workers have also been covered under this Bill. There are some other provisions also which have been recommended by the Law Commission. But I am surprised to note that the Minister has accepted the Law Commission's recommendation but he has not accepted the recommendations made by the Standing Parliamentary Committee on Labour, as pointed out by a few hon. Members of this House. He should have done so. I hope he will do it on his own... (Interruptions)...

The Minister says that he is forced to bring forth this Bill because of the Law Commission's recommendations. Some of my colleagues, hon. Members, have pointed out about the casual workers. There are a large number of such workers. After the entry of multi-nationals, since the liberalisation of our economy, they are availing of the services of a large number of workers on part-time basis and there are some home-based workers also. They are also dealing with hazardous materials. They are also doing hazardous works. What happens to them? Do they get any compensation if they are involved in any kind of accidents? The law-makers, especially the mover of the Bill, purposely left some lacuna so that there will be a way for the offenders to get off. They do it deliberately. In this Bill, some new categories of workers are covered. For example, seamen, crew of the aircraft, those who are employed in a company which is operating outside the country, etc. Mr. Minister, I have got some doubts here. Some domestic companies may have their offices outside the country and they employ some workers in those offices which are in other countries. In those countries, those workers may be having different pay-scales. The valut of money in those countries is different from that of India. Our money value is different. Then,

what happens to those workers if they are involved in any accident? You will be paying them according to this Bill. But accordig to this Bill, the money value will be very law whereas the money value is more in the country where the accident has taken place. So, the amount of compensation should be in accordance with the money value of that country, and not according to this law. This is a lacuna and you should correct it.

I think you should have included another category of workers, the migrant workers. For example, the domestic workers, especially the women workers in the Gulf countries and in the Far-East countries. Quite often, we get reports on how these women are ill-treated, sexually abused there. But they do not get any compensation. No compensation is given to them. So, you have to consider their plight also. I do not want to repeat what my previous speakers have said. I would just like to point out two or three things. For example, you have left some lacuna here on page 6. Chapter II, clause 3(1) where it says, "If personal injury is caused to a workman by accident arising out of and in the course of his employment his employer shall be liable to pay compensation in accordance with the provisions of this Chapter, provided..." Sir, there is always a proviso through which the employer gets a reprieve and in many cases the employer doesn't have to pay the compensation that is due to the workmen. Here also, the proviso says, "(b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to (i) the workman having been at the time thereof under the influence of drink or drugs, on..." Now, no workman while working in hazardous conditions will be under the influence of drugs or drinks. I don't accept this proposition. Once the person is dead, it is very easy to prove that a person was under the influence or drugs or alcohol. So, the employer doesn't have to pay the compensation. I think these things should be deleted.

Then, clause 3 (1) (ii) says, "the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or..." Again, when the person is dead, he cannot justify himself that he didn't disobey. He rather obeyed the orders of the superiors and did his job and, thereby, he was involved in the accident. So, he cannot explain his case because he is already dead or he may be seriously injured. So, this proviso should also be deleted. Otherwise, this is a kind of cheating the workers. This is not good.

I would request the Minister not to push this Bill through in a haphazard manner. He should bring it in a foolproof manner and then he can get it through even in this session. I don't think that this Bill, as it is, will really serve any purpose. Thank you, Sir.

SHRI S. MUTHU MANI (Tamil Nadu): Sir, I am extremely sorry because when you called my name, I was absent.

I rise to speak on the Workmen's Compensation (Amendment) Bill on behalf of the A.I.A.D.M.K. I welcome the Bill and congratulate the hon. Labour Minister for his spirited efforts to improve the condition of workers, besides extending the scope of provisions of the original Act to include several other categories of workers. This Amendment also provides for increase in compensation and lumpsum payment towards funeral expenses.

While drafting this Amendment, care has been taken to catalogue various categories of workers under Schedule II of the principal Act. But

I wish to point out as to how the workers in the un-organised sector will continue to be exploited despite this Act.

The hon. Minister knows how small concerns avoid the provisions of the Provident Fund Act, thus, cheating the innocent workers. In the same way, workers in small factories of hazardous nature and even agricultural workers handling dreadful pesticides, etc. in firms will not get the benefit of this Amendment because they are un-organised and have no voice. Sir, I know the cases of several employees of private-owned factories in Tamil Nadu who have lost their limbs while working on the machine, yet the management was reluctant to pay them anything. Then, we had to fight it out. Every day I meet many workers and ask about their problems, as I am the General Secretary of the Anna Thozhil Sanga Peravai, a trade union affiliated to the AIADMK. So, my appeal to the hon. Minister is to see as to how these unfortunate workers of unorganised sectors can be saved from exploitation. Sir, I know the practical difficulties in dealing with these cases. The State Governments need to play a role in this. Still I request the hon. Minister to take steps to see that these unrepresented workers get their due.

Sir, the hon. Minister is aware of the tragedy of a fire accident in a cracker factory in Haryana in which several women and children hailing from Tamil Nadu were killed. It is reported that they were forced to work in the most dangerous situation on a meagre salary. So, through you, Sir, I would appeal to him to see that the families of those unfortunate ictims are given adequate compensation. With these words, I conclude and support this Bill.

SHRI GURUDAS DAS GUPTA: Can I just suggest to him to react on these points? Number one: This Bill is quite good because compensation is being allowed. But, as you know, in mots of the cases, the Government law becomes ineffective if there is no enforcement.

If non-payment of compensation is not made tantamount to a cognisable offence, if deterrent punishment is not there as a part of the Bill, then I think, in most of the cases, compensation would not be given. Secondly, you have been looking at the problem of the unorganised workers. Are you going to extend the benefits of the Bill to the unorganised workers, particularly to the agricultural labourers?

SHRI JAGDISH PRASAD MATHUR: This is exactly what I said. It should be 'recovered'. I emphasised that word because when you say 'recovered' it can cover legally so many things. 'Pay' means you are asking him to pay; it means delay. You cannot enforce it. So, it is a valid point which my friend has raised. Kindly see that it becomes compulsory and a cognisable offence.

SHRI GURUDAS DAS GUPTA: Sir, without an effective machinery this Bill is not going to be effective.

SHRI P. A. SANGMA: Sir, I am grateful to the hon. Members for having contributed a lot to the debate on this important piece of amendment. At the very outset, I would like to say that whatever sentiments have been expressed by the hon. Members for the welfare of the working class of this country have been an expression of genuine concern and I fully share the sentiments expressed by the hon. Members.

Sir, upgradation of labour laws and upgradation of labour standards is a continuous process. The hon. Member, Shri Mathur, said that this Act was passed in 1923 and amendments have been

brought in 1984 how in 1995 and asked why there has been delay. Sir, the fact is that since the enactment of this law, this particular legislation has undergone amendments as many as 21 times. This amendment is the twenty-second' in the process. Therefore, on an average, amendments have been brought after every three to four years, because since 1923, 21 times it has been amended and the twenty-second amendment will be passed today. Therefore, the process of upgradation of labour standards, the process of enhancement of the benefit that has to be given to the workers is a continuous process. This I am deliberately stating to assure the hon. Members of this House that whatever suggestions have come today on the floor of the House in the course of the debate, will be kept in mind by the Government. As I said, when we process the law for upgradation, due weightage to the proposals by the hon. Members will be kept in mind. Practically, all the Members have referred to a very important point, that is, application of this law to the casual workers, application of this law to the unorganised labour. One of the hon. Members, Shri Samantaray, compared the definition of "workman" under this Act with the definition of the "workman" under the ID Act. I must respectfully submit, Sir, that the definition of work man under the Work men's Compensation Act is much wider than the defirition under the ID Act. because this Act covers the unorganised labour, this Act actually covers the casual labour. Sir what is the definition Let me... *(Interruptions)*...

SHRIMATI KAMLA SINHA: What about the part-time and women workers? Does it cover them?

SHRI P. A. SANGMA: Yes, it does cover... *(Interruptions)*... It covers them very much... *(Interruptions)*... I have got any number of High Court and Supreme Court judgments in this book. And the judgements of the High Courts and the Supreme Court are unanimous and consistent that the casual labour, including the contract workers, unorganised labour, are covered under this Act. I do not have time to go through all the judgments. But, the judgements are available... *(Interruptions)*...

DR. BIPLAB DASGUPTA: Please allow me for a minute, if you don't mind. At page 16 of the Bill that you have circulated, there are some explanations and all that. There is also an extract from the Workmen's Compensation Act, 1923 in that. If you look at clause 2 (3) (n), it says, 'workman' means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business)..." So, it does not include the casual workers.

SHRI P. A. SANGMA: Precisely, this is the point that I am trying to explain. *(Interruptions)* I am trying to explain the interpretation of this definition as well as the judgments of the High Courts and the Supreme Court.

SHRI JAGDISH PRASAD MATHUR: Why don't you delete it?... *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Why should you leave the definition of "workman" to the judgments of the courts? Let us explicitly make it known, let us explictly make a definition in the Bill itself. Why should it be left like that? Why should the legislature leave its judgment to the High Courts and the Supreme Court?

SHRI P. A. SANGMA: Have patience for a couple of minutes. Have patience for five minutes.

SHRI JAGDISH PRASAD MATHUR: Even for half-an-hour.

SHRI P. A. SANGMA: If you have patience, I am sure I will be able to satisfy the House... (*Interruptions*)... Sir, the definition of "workman" that has just been read out... (Interruptions)...I will read a portion of that. "Workman" means any person (other than a person whose employment is of a casual nature and"—'and' has to be emphasised—"who is employed otherwise than for the purposes of the employer's trade or business". The important word here is 'and'. In order to exclude any worker from the purview of this Act, it has to fulfil two conditions. One, it should be of a casual nature and it should be outside the business or trade of a particular person. This was not done deliberately, Why? If this is not done, let me explain, it should cover even the workers who are engaged by anybody for his domestic work. Suppose I am constructing a House for my family and I am employing a person in my family to do a little work in my garden or something like that on a casual nature. Perhaps I am not sure about it. But when I go through the interpretations of the various courts, I find that this was meant to exclude any worker who is employed by any individual for his domestic purpose, for his personal work which has nothing to do with this trade or business.

DR. BIPLAB DASGUPTA (West Bengal): Sangmaji, a point I would like to ask. Even if you take 'and' into account, I will give you an exaple—I am planning an engineering factory but there is a canteen there. the work in the canteen is not the work of the employer's trade or business. So the employer can always say that this canteen is not a part of his trade or business. So it is outside the purview of this definition of workman. That is one kind of situation. The other kind of situation could be this that in my factory premises I have bought in some builders, contract labourers to do some contract work and that contract work may not be linked with what I am doing because mine is a computer business. So, I can always take advantage of this 'and' and say that my business is computer, not building. So, the builders do the contract work and they are covered. So, the contract workers in the canteen are not covered by the definition you have given here, even after taking into account the word 'and', which is what you are worried about.

SHRI P. A. SANGMA: It is applicable. If it is in the case of a canteen worker it will be the responsibility of the canlten owner to pay the compensation because the canteen worker must be working under a person who is owning the canteen. Who will be held responsible and you will have to pay compensation under the regulation of this Act—not the principal employer. In a building construction, a contract who is an employer will be liable to pay compensation. He may not be the principal employer. That is the distiction which is made to exclude the domestic work, to exclude the personal work.

SHRI JIBON ROY: Despite the fact that the Law Commission has mention in its report in categorical terms that we are dealing with "workman". The words "other than a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employer's trade or business" may be deleted from the definition of "workman" in section 2(i) of the principl Act. Despite all this has been mentioned, the Law Commission has said, "Why you will not accept the recomendations of the Law Commission"? After

all, you are acting on the recomendations of the Law Commission. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, let him complete this.

DR. BIPLAB DASGUPTA: Just an elaboration on this, if you don't mind, I won't speak.

HSRI P. A. SANGMA: The most important judgements pronounced by the various High Courts and Supreme Court, I will compile them and I will give them to the hon. Members. I have gone through them, I am speaking with confidence. I have gone through the judgements of the various High Courts. In fact, the judgments says that even if a casual worker who is brought by a person to do watering in a garden. ...(*Interruptions*)... Please allow me. I am quoting a case. A person who was brought for watering his garden, suddenly finds that something is wrong at the top of the roof. He was made to climb and he fell down and died. It has no connection with the original assignment of the work because he was watering the garden and yet this Act was made applicable. I have gone through the judgments, and that is why I am speaking now. After going through all the judgments if the hon. House still feels that something more needs to be done, I am prepared to re-examine in consultation with the Ministry of Law. But Sir, I am convinced myself that this Act applies to the casual workers also.

The second point which has been made...

SHRI PRABHAT KUMAR SAMANTARAY: Sir, I would like to ask the hon. Minister....

SHRI S. S. AHLUWALIA: (Bihar): Let him complete.

SHRI PRABHAT KUMAR SAMANTARAY: In this context, I would like to seek one clarification from the hon. Minister. (*Interruptions*)... Will you please tell me: What are the grounds on which these cases were taken to the Supreme Court or the High Courts? Is it not a fact that it was because your wise officers interpreted that they were not workmen? That is why somebody had to pursue the cases. Is it not a fact? Please find out the background. This is the real apprehension in our minds.

SHRI P. A. SANGMA: Sir, the the second important point which was made was about the quantum of compensation. It is said that the proposed, enhanced, quantum of compensation is not adequate and that it should be further increased. Now, I must submit right at the very beginning that the Workmen's Compensation Act is only one of the several legislations which provide for the social security system in our country. This is not the only legislation. We have the Employees' Provident Fund Organisation. We have the Employees' State Insurance Act. We have the Gratuity Act. We have the Payment of Bonus Act. We have this Workmen's Compensation Act. Therefore, there are several Acts in the country which provide for social security measures to the working class. We have to look at the thing in totality. We cannot look at the social security system in our country by taking into account only the Workmen's Compensation Act. We cannot look at the social security system in our country by taking into account only the Payment of Bonus Act. or the Gratuity Act. We have to look at all the Acts available, all the schemes available, in our country, in totality and then we have to decide.

I can give an example. For example, if the suggestion of Mr. Vayalar Ravi is accepted that the compensation should be on the basis of the last paid wages, or, if the suggestion

of Mr. Mathur is accepted that the wages should be taken, at least, as Rs. 3,500/-, what would be the compensation amount? If it is Rs. 3,500/-, in case of death, it works out to Rs. 4 lakhs. If it is permanent disablement, it comes to Rs. 4,78,000. This is if you take Rs. 3,500/- as the monthly wages.

SHRI JIBON ROY: For the purpose of compensation, you are raising it from Rs. 1,000/- to Rs. 2,000/- only.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Let the Minister complete his reply, Mr. Roy.

SHRI P. A. SANGMA: Therefore, as one of the hon. Members rightly pointed out, we have to look at the small-scale industries and the medium-scale industries. We have to take into account their paying capacity. After all industries have to be run. Industries have to survive. We cannot afford to give such benefits. We cannot afford to do a thing which, ultimately, lead to more sickness of industries, which would displace more workers and which would generate less employment in future.

My plea to the hon. Members is that we have the social security system in our country. Let us look at it in totality. Let us not look at one particular scheme in isolation and say that it is not adequate, that it should be linked to the price index, that it should be commensurate with the price rise. We cannot advance such a kind of argument because all the social security measures have to bt taken into account.

After all, what we have proposed have is only the minimum. It is the minimum we are proposing. As of today, the law says that for death, the minimum compensation is Rs. 20,000/-. We are now saying that it should be Rs. 50,000/- That is the bottom level. We are not talking about the maximum. That is the bottom level we are talking about. In case of permanent disablement, we are raising it from Rs. 24,000/- to Rs. 60,000/-. That is the bottom level we are talking about; not the maximum level. Therefore, Sir, for the time being, looking at the state of our industries, we feel—at least, I, personally feel —that the compensation is adequate. I have made some calculations. In case of death, under the present formula, where the minimum is Rs. 20,000/-, the maximum amount works out to Rs. 90,000/-. It will go up to Rs. 2,28,000/- at the maximum level. Therefore, the compensation varies from Rs. 50,000/- to Rs. 2,28,000/- in the case of death, and in the case of permanent disablement it varies from Rs. 24,000/- at the minimum to Rs. 1,40,000/- at the maximum under the present law, and, under the new proposal, it comes to Rs. 2,74,000/-. So, this is the position. So, let us not look at the bottom level. We have to look at the highest level. ...(Interruption)

Now, coming to other social security measures, Mr. Prasad was kind enough to refer to the Pension Bill. I am also personally very worried about it. I want that pension should be provided for industrial workers. As has been rightly pointed out by Mr. Prasad, this Bill was introduced in 1993. Now it is the property of the House. I appeal to Parliament. I appeal to the House that the Bill should be brought before the House for discussion, and it should be passed as early as possible because the benefit of the Bill will go to 18 million workers of this country. They will be entitled to pension.

..SHRIMATI KAMLA SINHA: It is very surprising. You are a Cabinet Minister. You can ask your Parliamentary Affairs Minister to see that the Bill is slated. Why do you appeal to us? It is for your party to decide and for the Government to decide. Don't appeal to us.

SHRI P. A. SANGMA: Okay, all right, I accept it.

The normal procedure is that, at the beginning of a session, every Ministry is asked to indicate the priorities of the Bills. We do give them. That is our duty. I have done that. Anyway, this is okay.

As far as the Bonus Act is concerned, yes, of course, Mr. Prasad has got some reservations os it. am happy to inform the House that the Cabinet has decided yesterday to raise the ceiling on bonus from 2,500|_ to Rs. 3,500|- with effect from the accounting year 1993-94. So, it will be effective from the accounting year 1993-94. The Government has decided to raise the ceiling to Rs. 3,500|- for the purpose of bonus.

There are some other points.

Some clarifications have been sought on extra-territorial application of the Act. ..(*Interruptions*)...

I have said that all the points made by hon. Members have been noted. It is a continuous process. For the next amendment, we will have to start the process now again I will keep all the suggestions in mind. I assure you that.

As of now, this Act applies only to workers who are working in India. It does not apply to workers working abroad. So, we are making this Act applicable to workers engaged by Indian industries and as such working abroad. As you know, a large number of our people are working abroad. I think, Madam pointed this out. Suppose the compensation available under the social security system of the national Government of the country where they are working is better, what happens to that?

I wish they get that. They should try for it first. In case they do not get it, then, they should not get nothing. They should get something. In that event, the law of India will apply. If they are getting a better compensation under the existing law of a particular country, they are most welcome to take that. They should go in for that. But, suppose, no such law exists there—no compensation law exists in some countries—or even if it exists, it is less than what we are giving. They must have the right to claim compensation under our national law. I think it is a good move on the part of the country.

SHRIMATI KAMLA SINHA: What will be the quantum?

SHRI P. A. SANGMA: It will be the same quantum which I had explained. It will be Rs. 50,000|- minimum and Rs. 1.14 lakhs maximum. Then Rs. 60,000|- minimum and Rs. 2.74 lakhs maximum. We are adding to the Schedules Under Schedule II, we have 32 employments. We are adding 16 more employments. That cover a large number of people, including the working journalists. Journalists include cameramen. We find that the journalists are exposed to quite a bit of hazardous conditions. They go to cover war, which is very dangerous. Sometimes they go to cover our political rallies. Sometimes there is a police firing and sometimes there is a lathi-charge. So far they were not entitled to any compensation. Therefore, I thought it will be good for us to cover the working journalists, including the cameraman under the purview of this Act.

Regarding the claims, Mr. Samantaray had been fighting for it for the last two years and had been meeting me. I am happy that I have been able to inclue his suggestion also in this. As of todav, the law provides that if any accident

[Shri P. A. Sangma]

takes place, they will be entiled to claim it only from the place of occurrence. When a man dies, his wife, children and other relations cannot go to the place of occurrence. Now, this law provides that they will be entitled to claim it in the place of their residence. I think this is going to help the migrant labourers.

In regard to delay in payment, the penal interest rate is being raised from 6 per cent to 12 per cent.

A point was raised as to why, when the fine is imposed, why it should go to the Government not to the worker? It is a general principle of the Criminal Law that when a person commits a crime, he commits the crime against the State. The remedy for the worker is that he gets the compensation. If it is delayed, he gets a 6 per cent interest over it under the law. After this amendment, he will get it at 12 per cent. But, if he fails to fulfil his duty, it is an offence for which a fine has to be imposed. I am raising the amount of the fine to Rs. 5,000/-. Naturally it will go to the Exchequer, because it is a crime against the State.

Sir, I have covered practically most of the points raised by the hon. Members. I once again say that I am grateful to the hon. Members for the contribution. I request the House to pass the Bill.

SHRI GURUDAS DAS GUPTA: Let the hon. Minister clarify, if it is a criminal offence, peyment of only fine will not be that deterrent a punishment as to compel the employer to pay the compensation. The experience is—and the Minister knows it—that in the case of payment of Provident Fund dues, crores of rupees remain unpaid. Therefore, in this case also the same thing will happen, if the employer is not to go to jail, because the punishment will be too small for him.

SHRI P. A. SANGMA: I can assure the hon. Member that I have not forgotten his suggestion. He was the last speaker and demanded for making it a cognizable offence. I have kept that suggestion in my mind.

DR. BIPLAB DASGUPTA: Can I seek one clarification? May be that will satisfy us. When I mentioned about the casual labourers, I have an example of somebody who is engaged in a trade in a canteen. You said the man working in the canteen may not get the compensation from the main company; he may get the compensation from the canteen owner. That is the answer you have given. I think that is a valid answer, because the Workmen's Compensation Act applies to only certain categories of workers.

SHRI P.A. SANGMA: It will be applicable only to the emplopees of those establishments.

DR. BIPLAB DAS GUPTA: This Bill does not apply to the canteen workers. It applies only to some categories of workers, but not canteen workers and contract workers. So, the problem which we have raised remains. Neither is it solved by what you are saying nor it is solved by the point that somebody else would take up the responsibility. These canteen and contract workers are not covered by the Bill.

SHRI JIBON ROY: Mr. Vice-Chairman, Sir, I am not at all convinced by the answers given by the hon. Labour Minister. On the question of casual labourers and contract labourers, he was citing the example of the Factories Act. The Factories Act and the Workmen's

Compensation Act have been categorised in different ways. So for as dealing with the Factories Act is concerned, a number of judgments have been delivered by High Courts and the Supreme Court. But for the purpose of calculating compensation, it has been mentioned in the original Act in categorical terms that casual labourers will not be included. This is the first point. The Law Commission has also suggested for its inclusion. Why is the hon. Minister giving a suggestion that for every case, workers should go to the High Court? Why is no categorical provision kept in the Bill?

The second point on which I am not convinced with the argument of Hon. Minister that there are three kinds of social security measures. One day honourable Minister can say that workers are getting wages after completion of 30 days work then why compensation for death or injury will apply.

The third point about which I am not convinced is about the compensation of Rs. 50,000/- which based on the consumer price index of 300 points against Rs. 20,000 has been fixed of 115 points.

SHRI P. A. SANGMA: Mr. Vice-Chairman, Sir, as far as the point raised by Dr. Biplab Dasgupta is concerned, he was very right that compensation would apply to those establishments which are listed in Schedule-II. As I said earlier, Schedule-II originally contained 32 establishments. Now I am adding 16 more establishments to it. In that list whether canteen workers are covered or not, frankly speaking, I do not remember

DR. BIPLAB DASGUPTA: It doesn't

SHRI P. A. SANGMA: It doesn't. Okay. We will keep it in mind when we process it because still there are some other suggestions from the Law Commission. So, we will see about them.

As far us the points raised by Mr. Jibon Roy are concerned, I must admit may failure that I have never been able to convince him in my life.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): The question is:

That the Bill further to amend the Workmen's Compensation Act, 1923, he taken into consideration.

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): We shall now take up clause-by-clause consideration of the Bill.

**Clause 2**—*Amendment of section 2.*

DR. BIPLAB DASGUPTA: M Vice-Chairman, Sir, I move:

(4) That at page 2, after line 7 the following be *inserted* namely:—

"(i) the bracket and words "(other than a person whose employment is of a casual nature and who is employed otherwise than for the purpose of the employers trade or business)" be omitted."

*The question was poposed.*

DR. BIPLAB DASGUPTA: As I mentioned earlier during the discussion, we are not at all happy with the explanation that has been given by the Minister. It is very, very clear that casual labourers are not at all included in the Bill. If you look at page 16 of the Bill which is an extract from the Workmen's Compensation Act, 1923, it says very categorically, " "Workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—" That

[Das Gupta]

means casual labourers are not covered. As I mentioned earlier, this Bill applies only to certain categories of workers. Some categorie of workers have not been included in this Bill. As far as my understanding goes, casual labourers and contact labourers have not been coveed by this Bill I feel that in the same establishment if canteen workers and contract workers are working there, they should also be covered by this Bill. If any serious acciden ttakes place others are covered but not these workes. Why? It is iniquitous. It should not be accepted.

I am moving this amendment to remove all kinds of confusion on this clause. On page 16 of the Bill, clause 2(n) should be modified. "Workman" means any person. Up to this it is okay. But the sentences in the bracket should be removed. This part "other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business.," should be omitted. I am moving this amendment and I hope that this amendment would be accepted. *(Interruptions)*

SHRI JAGESH DESAI: ....Mr. Minister, you should consider this. It is a continuous process. ..*(Interruptions)*.

SHRI P. A. SANGMA: I will reexamine this issue. As I said, upgradation of the labour law is a continuous process. We are doing it all the time. There are other suggestions which have also come. Along with them I will certainly go into this. I am prepared to go through it. I have said so.

DR. BIPLAB DASGUPTA: Can you give a categorical assurance? There are two assurances which we would like to have from you. One is this. As for your concern as a Minister, you are interested in covering casual labourers and even in bringing in an amendment. Certainly it is not covered here. You say that you will bring in an amendment which will include casual workers, agricultural workers and all those kinds of workers who are not covered by this, but who work in the same establishment. If you give a categorical assurance that you will bring in an amendment later, we will allow the legislation through without an amendment.

SHRI GURUDAS DAS GUPTA: Will you also consider agricultural workers, Mr. Minister?

SHRI P. A. SANGMA: It means the same, 'casual'. Now, it is a question of bringing in two things. One is to bring it on to the Schedule and the other is to execute it. Hon. Members know very well that the Government has been giving the utmost importance to the unorganised labour. I have been personally taking a lot of interest in them. What I have said on the floor of the House is that, as the law stands today, as interpreted by the various High Courts and the Supreme Court, casual labourers are covered by this Act. But if hon. Members feel that even after the judgment of the Supreme Court and the High Courts people are ignorant of the judgment and it may help workers better if that ignorance can be removed. ...*(Interruptions)*. That is what you are asking for.

DR. BIPLAB DASGUPTA: Not only this. If we go by the letter of the law, with whatever little legal background I have, I can say—mor articulation will not stand scrutiny—it clearly states, as I have just stated, this applies only to certain categories of workers. The categorie which are stated in Schedule II include ships, railways etc. They do not include the sort of problems which we are raising. I can say very clearly and unmistakably that there is no other room for interpretation

You can show me hundreds of judgements. But it cannot... (*Interruption*) The main point is to remove any confusion on this point. I would request the Minister to remove this, even on the floor of the House, if possible. (*Interruptions*). If his heart is on our side on this particular aspect, what prevents the Minister from accepting our amendment and getting it included? The ambiguity will be removed.

SHRI P. A. SANGMA: I have said that I will re-examine the whole thing. I will have an exclusive discussion with the hon. Members who are interested. And if it is necessary, after we have discussed—I have an open mind—there is no difficulty in coming back to the House.

DR. BIPLAB DASGUPTA: If you can give us a categorical assurance ...(Interruptions). According to your interpretation, casual labourers are covered; according to my interpretation, casual labourers are not covered. Can you give us a categorical assurance that if you find that your interpretation is wrong, you will bring in a Bill to the House amending this?

SHRI P. A. SANGMA: Yes, If my interpretation is wrong, I will come to the House with an amendment.

DR. BIPLAB DASGUPTA: I am withdrawing my amendment on that condition. (*Interruptions*).

SHRI JAGDISH PRASAD MATHUR: I am happy that the Minister has accepted it. I have one more point. It is about the workers outside the country. (*Interruptions*). Workers in a 'firm', not a 'company'. That should also be taken care of.

SHRI P. A. SANGMA: I will examine that also.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Does Dr. Dasgupta have the permission of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

*The amendment was, by leave, withdrawn.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

*CLAUSE—4 (AMENDMENT OF SECTION 4)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): There are three amenrments, Nos. 5, 6 and 7; by *Dr. Biplab Das Gupta and Shri* Jibon Roy.

DR. BIPLABDAS GUPTA. Sir, I beg to move:

(5) That at page 3, lines 17 and 18 for the words "fifty thousand rupees" the words "eighty thousand rupees" be *substituted.*

(6) That at page 3, lines 20 and 21 for the words "sixty thousand rupees" the words "ninety-thousand rupees" be *substituted.*

(7) That at page 3, lines 23 and 24 for the words "two thousand rupees the words four thousand rupees be substituted.

*The question were proposed.*

DR. BIPLAB DASGUPTA: Sir, as has already been pointed out by my colleague Shri Jibon Roy, the amount of compensation which has been mentioned here is really to small and if you take into account the inflationary changes, if you take into account the recommendations of the Law Commission, then the amount suggested in the Bill should not be there. We have suggested the revised amounts I would also like to make one more point which Shri Jibon Roy has been making. These days, the multinational companies recruit youngesters and give them Rs. 20,000/- per month at the initial stage. Within two or

[Dr. Biplab Dasgupta]

three years, they start getting Rs. 50,000|- and after four or five years, they get Rs. one lakh. The amount of compensation fixed for the loss of life is Rs. 60,000|- according to this Bill. So, if we take into account the salary of an executive of a multionational company, we are suggesting Rs. 90,000|- or so per month. So, the amount of compensation allwed here for the loss of life of somebody would be equal to one month's salary of an executive of the multinational company. We are suggesting amounts which are reasonable, that is, from Rs. 50,000|-, it has been increased to Rs. 80,000|-. from Rs. 60,000, it has been increased to Rs. 90,000|-, and from Rs. 2,000|-; it has been increased to Rs. 4,000|-. These are very minor changes which we are suggesting keeping in mind the inflation, keeping in mind the increase in the salaries.

SHRI P. A. SANGMA: No, no. The funeral expenses have been increased from Rs. 1,000|- to Rs. 1,500|-.

DR. BIPLAB DASGUPTA: That I do not know. In any case, if you kindly accept these amendments, we would be grateful.

SHRI VAYALAR RAVI: Sir, before the Minister replies to these points, I would like to seek some clarifications. Now, Dr. Biplab Das-Gupta has very forcefully put forward his point of view and the Minister to an extent has accepted his point of view. He said that the unorganised labour and the agricultural workers may be considered. Sir, according to the law prevailing in the State of Kerala, every agriculturist is registered. Even a person having one hectare or one acre of land has to be registered. So, if an accident takes place, the entire property has to be sold in order to give Rs. 50,000|-. Let us look at the practical aspect. There is no point in getting emotional and arguing it. I want the Minister to look into this accept because the small holders should not suffer. There must be some kind of a condition. You can't impose it. Even you can't prevent him from selling the property. (*Interruptions*)...

SHRI DIGVIJAY SINGH (Bihar): Then exempt agriculture. (*Interruptions*) The law has a meaning. (*Interruptions*)

जिसकी दो एकड़ जमीन है.. (**व्यवधान**)...

SHRI GURUDAS DAS GUPTA: That is not the point.

**श्री दिग्विजय सिंह** : जिसकी दो एकड़ जमीन है कल उसको पचास हजार देना पड़े तो क्या होगा ?

SHRI GURUDAS DAS GUPTA: Let us not go into the extraneous issues. The point is, this benefit has to be given to the agricultural workers. If you discuss the agricultural workers separately, then it is one thing. But if you talk about the big industries, then it is another thing. (*Interruptions*)

SHRI H. HANUMANTHAPPA (Karnataka): If the whole property is sold, then he cannot give this compensation. If I sell all the property... (*Interruptions*)

**श्री दिग्विजय सिंह** : बात सही है भाई, लैंड लार्ड कहा से देगा ? दे भी नहीं सकता है ..... (**व्यवधान**).... उपसभाध्यक्ष महोदय, कहीं ऐसा तो नहीं कि एक दो एकड़ जमीन जिसकी है, अगर कोई दुर्घटना हो जाए और उससे कहा जाए कि पचास हजार कंपनसेशन का दो तो वह कहां से दे सकता है ? संभव ही नहीं है .... (**व्यवधान**)

SHRI GURUDAS DAS GUPTA: Sir, the hon. Members do not understand the issue. The point is, it is good of the Minister that he accepts that it can be extended to the

agricultural workers. If you discuss the problem of agricultural workers then there can be one yardstick.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please be brief

SHRI GURUDAS DAS GUPTA: Sir, I am very brief. ...(*Interruptions*)... Please listen to me first. ...(*Interruptions*)... I am not saying that. Please listen to me.. (*Interruptions*)...

SHRI H. HANUMANTHAPPA: Sir even, if the entire land holding is sold, we cannot ask for compensation. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Sir, let them listen to me. The point I have made is this. If the law is extended to agricultural workers, then the quantum or volume of compensation can be determined on a different scale.

SHRI H. HANUMANTHAPPA: No; both should come together.

(*Interruptions*)

SHRI GURUDAS DAS GUPTA: What is this. Sir? (*Interruptions*)

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Don't interrupt. Mr. Gurudas Das Gupta, please be very brief.

SHRI GURUDAS DAS GUPTA: Sir, I am brief. What I am saying is this. There can be two options to exclude the agricultural workers from the benefit of compensation. ...(*Interruptions*)... Please listen to me. If this is the wisdom of the House, then I beg to differ ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Salim, what is your point?

SHRI GURUDAS DAS GUPTA: Sir, let me conclude. My point is, if the law is extended to agricultural workers, there can be one stipulation. For the industrial workers there can be another stipulation, but we do not like to mix it up. Sir, my point is that there has to be come compensation for the agricultural workers also. ...(*Interruptions*)...Why do you shout like this?

श्री दिग्विजय सिंह : उनकी बात से सहमत न हों तो कहते हैं कि शाउट कर रहे हैं ।

Nobody is shouting. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Sir, the agricultural workers must not be denied this compensation.

SHRIMATI MARGARET ALVA: Sir, ...(*Interruptions*)... Sir,... we cannot have a debate on every clause at this stage when...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: This is not fair, Madam. ...(*Interruptions*)... This is a very important thing. ...(*Interruptions*)... Agricultural workers are the biggest segment of the labour force of our country. (*Interruptions*).. I am pleading with he Government, let the agricultural workers get some benefit but let that quantum be fixed on a different scale. Calculations may differ. And for the industrial workers let it be different.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Mr. Salim, what is your point? ...(*Interruptions*)...

DR. MURLI MANOHAR JOSHI : (Uttar Pradesh): How can you say this? There are a very large number of marginal farmers. ..(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Dr. Dasgupta, are you going to withdraw your amendment?

SHRI MD. SALIM: Is the Minister going to bring a separate legislation for the industrial workers?

[Shri Md. Salim]

Let the Minister assure this to the House. Then there would be no confusion. We do not know whether they will bring a separate legislation.

SHRI DIGVIJAY SINGH: That has been agreed to. ..(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): He has already given an assurance. ...(*Interruptions*)...

SHRI DIGVIJAY SINGH: Do you agree if he makes a separate provision? ..(*Interruptions*)..

SHRI GURUDAS DAS GUPTA: Let the Minister say this.

SHRI V. KISHORE CHANDRA S. DEO (Andhra Pradesh): Mr. Vice-Chairman, there is some discrepancy to be given to the agricultural workers and the industrial workers. And then you have marginal farmers and small farmers. I appeal to the House, and to the Minister also, to agree to bring a separate Bill for giving compensation to the agricultural workers...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Let him assure the House.

SHRI P. A. SANGMA: Sir, there are a lot of implications. This is precisely what I was trying to impress upon the House; if you remove the bracket relating to the definition of workmen, it will apply to everybody, even to a person who engages some individuals to work in his kitchen garden and agricultural farm. Therefore, it is already there. That is why, I offer that we will discuss this matter further with the hon. Members, and after that if it is necessary, and if I am convinced, I have already offered this Sir. I don't think, beyond that any Minister can offer.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Dr. Dasgupta, are you going to withdraw it or the assurance of the Minister?

DR. BIPLAB DASGUPTA: No. Does he agree? Sir, I am not sure whether the Minister is agreeing to this or not. Mr. Minister, are you agreeing to this amount?

SHRI P. A. SANGMA: No. I am not agreeing to this amount. As pointed out by other Members of Parliament, it has got a lot of implications. But we will discuss it with you.

DR. BIPLAB DASGUPTA: On the basis of this assurance, I will withdraw my amendments.

SHRI JIBON ROY: Mr. Vice-Chairman, I have also got amendments to clause 4. (*Interruptions*)... I have got amendments to clause 4. Today, if a worker is killed in an accidentt, you give him compensation. (*Interruptions*).. The debate is that in 1984 the compensation was fixed at Rs. 20,000|- when the index point was 115. Now the hon. Minister is suggesting to accept Rs. 50,000|- when the index point is 300. That means a reduction in the compensation amount. This is the point. That cannot be compromised. Let there be a division. At least, let the hon. Minister agree to the point of computation of compensation. At least, let him agree to increase it from Rs. 2,000/- to Rs. 4,000/-. Somehow, let him agree.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Do you want to react to the amendments moved by him?

SHRI SURESH P. A. SANGMA: No, Sir. I explained the whole position of the Government.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now I shall put the amendments moved by Dr. Biplab Dasgupta The question is:

(5) That at page 3, lines 17 and 18 *for* the words sixty thousand rupees" the words "eighty thousand rupees" be *substituted*.

(6) That at page 3, lines 20 and 21 *for* the words sixty thousand rupees' the words "ninety thousand rupees" be *substituted*

(7) That at page 3, lines 23 and 24 *for* the words "two thousand rupees" the words "four thousand rupees" be *substituted*.

*The motions were negatived.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 14 were added to the Bill.*

*Clause 15—Amendment of Schedule II.*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): There are two amendments, Nos. 8 and 9, by Dr. Biplab Dasgupta and Srri Jibon Roy.

DR. BIPLAB DASGUPTA: Mr. Vice-Chairman, Sir, I beg to move:

That at page 8, *for* lines 27 and 28, the following be *substituted* namely:—

(i) in clause (i)—

(8) (a) the words "otherwise than in a clerical capacity or" shall be omitted.

b) after the word "operaion" the word "repair" shall be inserted.

That at page 10 *after* line 4 the following be *inserted* namely:—

(9) (xlix) employed in a job that requires the employee concerned to visit establishments that carry on hazardous occupation within the meaning of the parent Act.

*The questins were proposed.*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Please be brief.

DR. BIPLAB DASGUPTA: Sir, I am always brief. I always speak to the point. I don't want to go beyond the point. If you look at Schedule II, you will find that it is clearly stated—

"The following persons are workmen within the meaning of section 2(1)(n) and subject to the provisions of that section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity...."

It means that if you are a clerk and if there is an accident, you are not covered by this.

"...or on a railway, in connection with the operation or maintenance..."

The repair part is absent here. The impact of our amendments that, (1) the clerical categories are not excluded from compensation and (2) persons, who are involved not only in operation or maintenance but also in repair, are covered by this particular Act. I would request the Minister to take these things into account because there is no point in excluding clerical persons and persons who do repair work. These are very reasonable amendments. Like all the other amendments, I would request the Minister to accept it.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Shri Jibon Roy.

SHRI JIBON ROY: I support the amendments.

SHRI P. A. SANGMA: Sir, this Act is actually meant for employment injury and employment injury is possible only when the workers are exposed to hazardous occupataions.

[Shri P. A Sangma]

Clerical job is not exposed to hazards and it is not a hazardous occupation. Therefore, clerical job cannot be included in this Bill.

SHRI JAGDISH PRASAD MATHUR: I would line to make a plea to the Minister. I have also suggested this. Suppose a person is a clerk and he works at a work site, which is exactly not his job, he falls down or he is standing there and calculating the salary of a workman, he falls down, he doesn't get any compensation at all. What about it? *(Interruptions)*

When a clerk is on the site, he is on a hazardous job at that point of time. The Minister should define it. If he is working on the site, he is facing a hazard. The Minister should specify it.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): I shall now put the amendments to vote. The question is:

(8) That at page 8, for lines 27 and 28 the following be substituted namely:—

"(i) in clause (i)—

(a) the words "otherwise than in a clerical capacity or" shall be omitted.

(b) after the word "operation" the word "repair" shall be inserted.

(9) That at page 10 *after* line 4 the following be inserted namely:—

"(xlix) exployed in a job that requires the employees concerned to visit establishments that carry on hazardous occupation within the meaning of the parent Act."

*The motion was negatived.*

*Clause 15 was added to the Bill.*

*Clause 16 was added to the Bill.*

*Clause 1—(Short title and commencement)*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): There are two amendments by the Minister.

SHRI P. A. SANGMA: Sir, I beg to move.

(2) That at page 1, line 4, for the figure"1994" the word "Forty-Sixth" be *substituted*.

(3) That at page 1, for lines 5 and 6 the following be *substituted* namely:—

"It shall come into force on such date or dates as the Central Government may, by Notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act."

*The question was put and the motion was adopted.*

*Clause one, as amended, was added to the Bill.*

*THE ENACTING FORMULA*

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): There is one amendment by the Minister.

SHRI P. A. SANGMA: Sir, I beg to move:

(1) That at page 1, line 1, *for* the word "Forty-fifth" the word 'Forty-sixes" be *substituted*.

*The question was put and the motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

SHRI P. A. SANGMA: Sir, I beg to move.

That the Bill, as amended; be passed.

*The question was put and the motion was adopted.*

Uncorrected—Not for publication —31-5-1995.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): As per List of Business, at 6 o'clock, we have to take up the short Duration discussion. I would like to take the sense of the House. I would like to know whether we should take up the Short Duration discussion or the Maternity Benefit (Amendment) Bill.

SHRI VAYALAR RAVI: Sir, we can pass it withuot discussion. Sir, it is not a controversial Bill. It can be passed without discussion.

SHRI MD. SALIM: It cannot be passed without discussion.

SHRIMATI KAMLA SINHA: Sir, it can be taken up tomorrow.

DR. BIPLAB DASGUPTA: Sir, there are only two or three speakers. It will take only 20 or 25 minutes.

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**SHORT DURATION DISCUSSION** on the situation arising out of increasing foreign debt of the country.

डा० मुरली मनोहर जोशी (उत्तर प्रदेश): उपसभाध्यक्ष महोदय, भारत पर बढ़ते हुए ऋण के भार के संबंध में मैं सदन का और इस सदन के द्वारा सरकार तथा देश का ध्यान आकर्षित करना चाहता हूं। 8वीं पंचवर्षीय योजना के प्रारूप में यह कहा गया था – श्री प्रणव मुखर्जी के द्वारा—

"While working out the financing pattern of the Eighth Plan, one of our major concerns was to avoid the trap that we had got into during the Seventh Plan. At the time of the formulation of the Seventh Plan, it was envisaged that nearly 40 per cent of the total public sector outlay would be financed by the balance from the current revenue BCR and by the contributions from the public sector enterprises, both, inclusive of additional resource mobilisation. Ultimately, the contribution from the BCR and public sector enterprises turned out to be only 20 per cent of the total outlay and the balance was met through borrowings. That created an internal debt trap and acute BOP crisis. We wanted to avoid that situation and confine the public sector outlay to a reduciable minimum level essential for ensuring the targetted growth."

इससे बड़ी चिंता होती थी कि सातवीं पंचवर्षीय योजना के बाद देश के ऊपर ऋण भार बढ़ा है और देश जो एक ऋण जाल में फंसता जा रहा है उससे बचने की चिंता आठवीं पंचवर्षीय योजना में की गयी। इस बारे में देश का और आयोजकों का ध्यान आकर्षित किया गया हमें बड़ा साहस हुआ जब श्री मनमोहन सिंह जी ने संसद को यह बताया कि भारत कहीं भी ऋण जाल के निकट नहीं है। इसका कोई खतरा नहीं है। अब सरकार के दो मंत्रियों के ये विवरण योजना और डेट ट्रेप के बारे में सदन और देश के सामने है। मैं समझता था शायद वित्त मंत्री महोदय ने इस बारे में गंभीरता से विचार किया होगा और देश को ऋण जाल से बचाने के लिए कुछ न कुछ योजनाएं या कुछ न कुछ उपाय बरते होंगे। लेकिन मुझे बहुत खेद और दुख के साथ कहना पड़ता है कि पिछले 4–5 सालों में इस तरफ सरकार ने गंभीरता से ध्यान नहीं दिया।

विश्व में निर्धन देशों का ऋण बढ़ता जा रहा है। 1982 में 42 निर्धनतम देशों पर 106 यू०एस० बिलियन डालरस का कर्जा था जो 1992 में 360 यू०ए०स० बिलियन डालर हो गया, करीब साढ़े तीन गुना बढ़ गया। इसी दौरान भारतवर्ष में सरकार ने जो अपने ऐतिहासिक मूल्य पर, बुक वेल्यूज पर जो कर्जा दिखाया है वह 1980–81 में 11,298 करोड़ रुपए और 1994–95 में 45,908